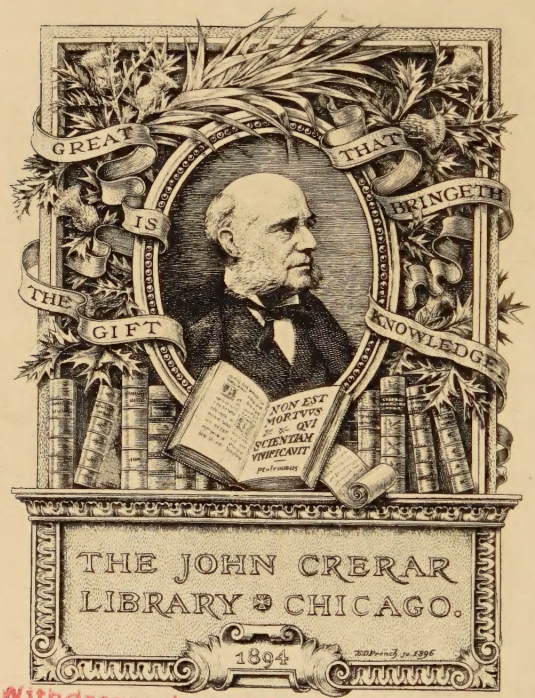


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# THE ENCLOSURE AND REDISTRIBUTION OF OUR LAND

BY

W. H. R. CURTLER

*Author of 'A Short History of English Agriculture'*

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# PREFACE

I HAVE ventured to write this book in the interest of the general reader, since, as far as I am aware, there is no history of Enclosure from the earliest until the latest times.

In the early part I have, in order to present a consecutive story, trodden well-worn ground, and where Vinogradoff, Maitland, Ashley, Seebohm, Slater, Gonner, Tawney, Gray, and others have worked, there is little that is fresh to be discovered. I have, therefore, relied largely on their guidance, which is freely acknowledged in the text.

In the latter portion of the book I have relied mainly on my own research, and hope that I have been able to throw fresh light on several points; for instance, the expense of enclosing; the renting of commons; the overwhelming evidence in the eighteenth and nineteenth centuries that commons did more harm than good; the exaggerated statements so often made as to the 'robbery' of 'the poor' on enclosure; the many concessions made in enclosure Acts to the small holder; and the fact that it was the great landowners who were the first to try and remedy the hardships, undoubtedly wrought on many of the poor through the loss of their commons, by granting allotments. It is but tardy justice to this fast vanishing class that their efforts in this direction should be set forth.

W. H. R. CURTLER.

EATON LODGE,
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# CHAPTER I

## THE COMMON-FIELD SYSTEM.—THE ACCOUNT OF TACITUS.—THE ENGLISH CONQUEST

The term 'enclosure' in its technical sense—the sense in which, too, it is generally used—means the conversion of estates composed of separate strips in the old open arable fields, and of the commons or wastes, into separate compact properties; the complete abandonment, in fact, of the method of cultivation practised by the ancient village on which the manorial system was imposed.

In order, therefore, to understand the great movement which is known by the name of 'enclosure', it is necessary first of all to understand the common-field system of farming, and the growth and decline of the manor.

A communal system of farming is of immense, perhaps of prehistoric, antiquity; it was by no means confined to the Aryan peoples, and it survives to-day in various parts of the world, including our own country.

The common-field system has been much more enduring than the manor, for while the latter as a practical working method of estate management by means of labour services had nearly disappeared by the end of the fifteenth century, the former was prevalent in the greater part of England in the middle of the eighteenth century, and instances of it are still to be found.

One of these is noticed in the Report of the Tithe Copyhold and Inclosure Acts for 1913 [1] at Elmstone Hardwicke in Gloucestershire. In that village the fields had become in the course of time divided into fifteen, of varying size, instead of the three fields usual under the system. But each field was still divided into strips which were in separate ownership,[2] although in some cases one or more adjoining strips

[1] Cd. 7333.

[2] There were twelve owners at the time of my visit, June 1914, of whom three occupied their land; none of them could be described as smallholders.

are in the same ownership. To quote the report, 'The land is owned in conjunction with homesteads outside the common fields, and the strips are occupied by the tenants of the farms to which they are attached. Most of the land is arable, but in some cases the strips, owing to their inaccessibility or the inconvenience and expense of cultivating them, have been allowed to become rough pasture. The whole of the fields are open to a right of common pasture—appurtenant to the farms of which the strips form part—from harvest until the first of November in each year, but only for stock that will cultivate or manure the land. The disadvantages of these conditions, surviving as they have survived from the period when the manorial system of agriculture prevailed throughout the country,[1] are, from the farmer's point of view, apparent. The distances between the various small parts of the same holding involve much waste of time and labour, effective drainage of the land is impossible, and the existence of the practice of turning out stock for several weeks with a right to range over the whole of the fields, practically prevents the cultivation of any root or other crop which is not cleared off the land when the corn crops are harvested.'[2] This complaint will be found re-echoed by most of the writers on the common-field system. Enclosure and the consolidation of holdings was unanimously desired, and no sign of opposition was evinced.

There is no mention here of the common pasture or waste, or of the common meadows which were the usual adjuncts of common fields, and I am informed by the vicar of the parish that there is no trace of these, though originally they probably existed.

In the agrarian history of the nations of middle Europe there is no event of greater weight; none which has led

[1] And, the report might have said, long before that period.

[2] Quarrels between the farmers have been endless, and law suits frequent. The rotation of crops was in 1914 beans, barley, wheat, fallow, which is almost the same as that noticed in Oxfordshire, Wiltshire, and Huntingdonshire at the end of the eighteenth century when the three-course rotation prevailed elsewhere.

to more important consequences, than the dissolution of the ancient community in the use and culture of the land, and the establishment of a complete independence and separation of one property from another. But this development had a more especial importance in England, inasmuch as it greatly contributed to dispossess the small proprietor of the soil, and to lay the foundations of that preponderance of large landed possessions which has had such an immense influence on the constitutional history of this country.[1]

This is not the place to discuss the rival merits of the Teutonic and the Roman theories of the origin of our land system. No less an authority than Professor Maitland [2] says 'we are among guesses and little has as yet been proved'. But the balance of evidence seems to favour the former, and we shall assume that it is the correct theory for the greater part of England, especially in the midlands; but Maitland is probably right in saying [3] that 'in some cases they (the English) fitted themselves into the agrarian framework that they found; in other cases they formed villages closely resembling those that they had left behind them in their old home'.

At all events the open-field system, and its communal working, are compatible alike with a purely Germanic, or with a Celtic, origin, or with the continuity of Roman methods.

I shall conclude that my readers are familiar with the few and somewhat vague hints on the agricultural polity of the Germanic tribes as it appears to Tacitus, who wrote at the end of the first century A.D.

It would be, perhaps, unwise to lay much stress on his evidence, nor does it follow that the customs of all Germanic tribes were uniform or lasting. Yet there is remarkable

[1] Nasse, *The Agricultural Community of the Middle Ages*, p. 1.

[2] *Domesday Book and Beyond*, p. 340.

[3] Ibid., p. 346. Professor Gray thinks that Germanic usage prevailed in the midlands, presumably because of the more complete nature of the Conquest; in the south-east Roman influence persisted because the Conquest was less distinctive (though this is open to doubt), while the south-west, north-west, and north retained Celtic usages. (*English Field Systems*, p. 418.)

similarity between the earliest discoverable methods of our ancestors after the migration to this island, and the *arva per annos mutant et superest ager* of Tacitus ; nor is it fanciful to discern in his account the ' coaration ', the individualism of the shares, the allotment of the water-meadows, the isolated homesteads, the inequalities of the lots, very much as we shall find them until the manorial superstructure came to be imposed on them.

It is somewhat surprising to find that the British Celts about 325 B. C. were more advanced in agriculture than the Germans of Tacitus in A.D. 98, for Pytheas the Marseilles merchant, who visited Britain at the former date, found an abundance of wheat in the fields which was threshed in ' great barns ' owing to the moist climate. And the erection of great barns would be hardly worth while if an extensive system of farming had been in vogue with its constant changing of land. He also saw cultivated fruits and a great abundance of domesticated animals. Again, Pliny, in the first century A. D., says the Britons marled their fields, which could only have been done under an intensive system, as the full benefit of marling lasts for twenty years, and Professor Elton[1] tells us that they appear to have been excellent farmers, skilled as well in the produce of cereals as in stock raising and the management of the dairy.

The people of this island, at the English conquest, had, in agriculture as in other things, to go back to a more primitive condition of society.[2] For contemporary evidence we have now to skip over a period of about 500 years until we come to the laws of Æthelbert, and many changes must have happened in that long period. Nor do they tell us anything about the cultivation of the land, though they enumerate the four orders of men who dwelt on it ; the eorls, ceorls, laets, and slaves ; that is (besides the slaves), nobles, freemen, and tributary dependents, the latter doubtless partly descendants of the conquered Britons, and partly brought over from Germany. In the Laws of Ine, 693, we find in Wessex a considerable tributary popula-

[1] *Origins*, p. 115. [2] Vinogradoff, *Growth of the Manor*, p. 119.

tion of British blood.[1] But long before the Norman Conquest the surviving alien population seems to have been absorbed in the conquering race, save in the extreme west.

The conquest of Britain was probably effected by war bands, who divided the land among themselves, the chiefs getting large tracts, and the common fighting men small portions, and we may fairly guess that all the men in these war bands were freemen.

But not only war bands arrived; the main characteristics of Teutonic society came too, for we find in the earliest organization of the old English states a hereditary nobility, and a powerful and important system of family groups allied for purposes of self-defence and mutual responsibility. So that we are forced to conclude that the original settlers were largely drawn from particular kindreds and families who retained their mutual ties in spite of their having individually made themselves over to a king or ealdorman as members of his comitatus.[2]

Secondly, a considerable number of noble families must have taken part in the original settlement; enough to be able to assert their old privileges of status both against the king, and against the other members of the war band who may have been ceorls by descent.

We find, then, at the commencement of English history a class of large landowners and a class of small ones; the land of the larger landowners being apparently cultivated by slaves, though as time went on the surplus population of many of the villages would perhaps be absorbed as workmen on the big estates.

The backbone of the community was formed by the ceorl commonly holding a hide of land, or about 120 acres, a small freeman whose position began to deteriorate almost immediately, since in Ine's Laws of about 693 we find the weregild of the ordinary freeman one-sixth of that of the larger landowner instead of one-third as in the days of Lothere, only one generation before.

We must not fall into the error of thinking that all the

[1] Oman, *History of England*, i. 361. [2] Ibid., p. 356.

holdings of the ceorls were equal. The population of the ' tun ' or village was commonly arranged not on one plane as holders of whole shares or hides, but as it were on steps, some holding hides, some half-hides, some quarters of hides, or, if one may anticipate Domesday terms, virgates, some half-virgates or bovates, and some again scattered on the outskirts of the system with cottages and crofts.[1]

[1] Vinogradoff, *Growth of the Manor*, p. 151.

# CHAPTER II

FOLKLAND AND BOCLAND.—ABANDONMENT OF EXTENSIVE CULTURE.—THE VILLAGE COMMUNITY ESTABLISHED IN ENGLAND: ITS HUSBANDRY

As far as we can discern from our vague authorities the land conquered by the English from the Britons was divided and held according to the tribal rules of family inheritance, and called 'folkland',[1] that is, land held by folk-right or the custom of the people. Such land, whether owned by king, eorl, or ceorl, could not be alienated from the family or devised by will, the proprietor being nothing more than a life owner. It passed, on his death, to his heirs according to tribal custom.

It was subject to services and taxation; the *trinoda necessitas*, provision rents to the king, and the payment of taxes (gafol) to the king.

This system was found very inconvenient, for under it no one, not even the king, could alienate land for longer than the grantor's life, so a custom grew up to obviate this, viz., the institution of 'bocland',[2] land held by boc, book, or charter, instead of by folk-right, and this could be permanently granted. Then it became the custom for the king to add to the charter or boc a clause exempting the newly made bocland from a greater or lesser part of the services or taxation which it owed the state.[3] Landowners

[1] Though the word 'folkland' does not occur until the tenth century, and then only three times.

[2] There are some 1,200 land-books or charters, genuine and spurious, between the time of Æthelbert and the Conqueror, which form our chief evidence as to the feudalizing that was going on during this period. They are mostly ecclesiastical title deeds whereby land was conveyed to churches and abbeys by kings or under-kings, and the gifts were often of large tracts of land. Some are gifts to thegns. (Maitland, *Domesday*, p. 226.)

[3] Yet we must not forget that the bocs or charters were not gifts of the land itself, since it was already in the ownership of freeholders, but of a 'superiority' over the land and the freemen on it. (Maitland, *Domesday*, p. 226.)

naturally preferred bocland to folkland, and apparently, in the course of a century or two, a large part of England had passed from family ownership into real private ownership.[1]

One result of this conversion into bocland was that the position of the ceorl further deteriorated, for 'as long as he was seated on royal folkland as a rent-payer (gafol gelder) he would be better off than when that folkland had been turned into bocland and given to a monastery or thegn. For thus he ceased to be in direct connexion with the king and became subject to a territorial lord';[2] and here we see the commencement of that process which placed most of the villages in England under a lord: the first step in the development of the manorial system. And the small freeman's status became further depreciated when the wealthier and more energetic members of his order were gradually promoted into the thegnhood.

Unfortunately we have no evidence concerning the date when the extensive system of cultivating land was abandoned in favour of the intensive or permanent cultivation of the same land,[3] but when this occurred the cultivator, besides retaining his rights over his house and yard, and his rights in meadow and waste, acquired the right to the permanent use of a particular holding of arable land.

As people became more civilized and settled, the intensive system was bound to supplant the extensive, for men who had fixed dwellings would naturally prefer to cultivate the

[1] There were individual rights in the folkland. 'Alfred the ealdorman at the end of the ninth century has folkland, and apparently a large slice of it, which he hopes will pass to a son, who seems to be illegitimate.' (Maitland, *Domesday*, p. 253.)

[2] Oman, *History of England*, vol. i, p. 381.

[3] The meaning of the term 'intensive', to describe the cultivation of land at this date, must be distinguished from its meaning to-day. Then, it meant the permanent cultivation of the same land as opposed to the extensive or temporary cultivation of the soil, i. e. ploughing a piece one year and moving on to another next year. Now, intensive culture commonly signifies small culture, though it may be applied to the intensive application of capital on large farms, as well as to the intensive application of labour on small holdings.

same land instead of moving on to a fresh piece every year, and when they began to manure the soil they would want to stay and reap the benefit, which would not be all exhausted in one year.

We do not know for certain whether the English, at the time of their settlement in Britain, brought with them intensive culture or not, and Professor Cunningham, after weighing the evidence, thinks that it was not introduced in Teutonic Europe until after that time.[1]

Thus we have established in England the world-wide agricultural unit of the village, an enlarged patriarchal family, the members of which worked together on the fields, shared the meadowland, and enjoyed the common use of the waste. The names of these tuns or hams, as these villages were called, are still scattered all over the land. Walsinghams, Effinghams, Whittingtons, Burlingtons, and the like, the homes or towns of the kindred or mægth of the Walsings, Effings, &c.

They were homes of free cultivators, self-sufficing, and more or less isolated from the rest of the world. As far back as we can see, the German village possessed 'a solid core of individualism';[2] the community indeed never seems to have resisted the development of ownership, and sought no more as regards the arable fields than a certain power of regulating their cultivation. Hence the individual's hold upon his strips of land developed very rapidly into full ownership.

Let us take a brief glance at their husbandry. In the typical village the homesteads with their little closes, the core of the settlement, all lay near together, as may still be seen in parts of England; convenient enough when common cultivation was practised, but, when enclosure came, often very much the reverse, as some farms were allotted a long way from the village, and consequently from their farm buildings.

We have no positive evidence as to the mode of cultivation

[1] *Growth of Industry and Commerce*, i. 43.

[2] Maitland, *Domesday*, p. 347.

in early times, but apparently intensive cultivation began with a one-field system, which would be soon set aside, since taking the corn crops (for no roots or temporary grasses were then known) year after year from the same soil must soon have exhausted it, so the two-field system came in by which one of the two arable fields was cropped each year while the other lay fallow.[1]

The three-field system came into vogue either at the same time or soon after, and by this two fields were cropped each year while one was fallowed, and this became the more common, and was usual in most parts of England, though the two-field husbandry was sometimes carried on side by side with the three-field, and was never altogether superseded by it.[2]

These great tillage fields, each of them often 400 or 500 acres in extent, were divided only by temporary fences, which disappeared after harvest, but their surface was marked by innumerable balks or strips of turf which separated the acre or half-acre strips of the cultivators from each other, and, as in the time of Tacitus, the strips of each villager were scattered all over the three fields. The acre strips, though they varied in size even in the same fields, were nominally 40 rods long and 4 rods wide, or 220 yards by 22 yards. Forty rods is a furlong or furrowlong, i. e. the length of the drive of the plough before it is turned.

But as regards land measurement we must remember

[1] There are some 20 charters of the tenth and eleventh centuries referring to seven counties in the south midlands which testify to the existence of common arable fields, and one or two of them probably show a two-field system. In the Laws of Ine (688–94) there is a well-known passage clearly relating to open fields. Therefore we may say that common intermixed arable acres are discernible at the end of the seventh century, but only with the definite evidence of the late twelfth and of the thirteenth century do we first come upon townships whose arable fields were clearly two or three. (Gray, *English Field Systems*, pp. 61–2.)

[2] Maitland, *Domesday*, p. 366, says the two-field system was as common as the three-field, if not commoner, in the thirteenth century. But see note at end of this chapter.

that before the Norman Conquest there was little real, though much nominal, uniformity, and real uniformity is much more modern than most people think.[1] The acre seems to have been a very elastic term, and the word rod still more so. An acre ' has at its root the tract that can be ploughed in a day, or in a forenoon ', since the team rested after twelve, and it is obvious that on light and heavy soils the work done by a team must have varied greatly.

In sixteenth-century maps the nominal acre strips often contain little more than half an acre by measurement.

If we examine the maps of the old open fields in such books as Seebohm's *Village Community*, we shall see that the strips lie side by side in groups forming larger divisions of the field, and these are called ' shots ', or ' furlongs ', or in Latin *quarentenae*, which were divided from one another by broader balks generally overgrown with bushes. This grouping of the strips in shots or furlongs is a common feature of the English open-field system, and this involves another feature almost universally met with, the ' headland ', a strip of land running across the heads of the strips in the furlong or shot on which the plough turned when it came to the end of the furrow ; the name still survives for a piece of land which still serves the same purpose. Two other small details of the open field deserve notice ; the ' gores ', or ' gored acres ', that is, the awkward corners of fields which from their shape could not be cut up into acre and half-acre strips, but were divided into tapering strips of irregular size ; and the little odds and ends of unused land which went by the name of ' No man's land ', or ' Jack's land ', or ' any one's land '.

If the system can be conceived as having been at all uniform we should be able to say that each holder would

[1] Maitland, *Domesday*, p. 368. ' The acre, or unit of land measurement, whatever it was called, was not merely the means of stating the area of a piece of land : it was a unit of cultivation, and had its shape determined for it by the actual convenience of the plough.' (Seebohm, *Customary Acres*, p. vii.)

possess the necessary team for ploughing his land, and that as the normal holding just after the English Conquest was 120 acres, or thereabouts, an extent which a team of eight oxen could work in one year, we should be able to assume that this was the usual team to each farm in those days, though it diminished as the size of the average holding became smaller in course of time. Where the holding was smaller the farmer provided a contribution to the common team in proportion to the size of his holding; the man who held 30 acres, for instance, providing two oxen, and the man who held 15 acres one ox. But whatever proportion of the common team was provided by the peasants, according to the various sizes of their holdings, the normal team itself seems to have consisted of eight oxen, though why eight oxen were considered necessary to plough the very shallow furrow of those days on light land is a mystery.[1]

The three arable fields were cultivated on a three-course system; wheat one year, oats, barley, or rye the next, fallow the next, and this stereotyped system lasted over a large part of England for a thousand years, and in some parts considerably longer.

On August 13 (old style, now August 1), when the crops were presumed to have been carried from the common fields, the land in these fields became common grazing land for the flocks and herds of the villagers; hence they were called Lammas Fields.[2]

Harvest seems to have been finished earlier than it is now, as the ordinary time for its completion in our time is in September, while, in late seasons, grain is in the fields until well on in October.[3]

[1] The large team may be explained by the fact that the ploughs were the work of village wheelwrights and carpenters, and therefore heavy and cumbrous.

[2] Lammas is derived from *hlaf-mass*, or bread mass; the 13th of August, Lammas day, being observed as a harvest festival in the early English Church, at which loaves of bread made from the first ripe corn were consecrated.

[3] The average date at which harvest was commenced and finished in

Besides the common arable fields there were, as in the settlements described by Tacitus, the meadows for hay allotted every year, and after midsummer day which, before the Reformation of the Calendar, came on July 6, when the hay had been cut and carried, they also became common grazing ground until the middle of February.[1]

Also, the whole year round, the live stock of the village could graze on the common pasture and the waste and in the woods surrounding the township, the woods at this date being valued largely as places where swine got their food.

Surrounding the whole were sometimes, as in the case of Whalley,[2] large tracts of forest or waste claimed by no township in particular.

On this land there was sometimes extensive intercommoning, or indiscriminate use of the waste by various villages, as on the eastern border of Essex, where there was no distinct delimitation of ownership between the villages adjoining it, but it was used by them as common ground for the pasture of sheep.[3] As the country became more thickly peopled the quantity of pasture and wood became more restricted, and their use was limited or 'stinted' according to conceptions of proportionate rights, either by customary agreements, or by agreements which in time ripened into customary limitations.

England and Wales for the period 1908 to 1914 was:

| | Wheat. | | Oats. | |
|---|---|---|---|---|
| *Year.* | *Average Commencement.* | *Average Finish.* | *Average Commencement.* | *Average Finish.* |
| 1908 . . . | Aug. 10 | Sep. 26 | Aug. 8 | Sep. 28 |
| 1909 . . . | Aug. 15 | Oct. 6 | Aug. 15 | Oct. 15 |
| 1910 . . . | Aug. 15 | Sep. 20 | Aug. 14 | Sep. 22 |
| 1911 . . . | July 29 | Aug. 25 | July 28 | Aug. 26 |
| 1912 . . . | Aug. 11 | Sep. 27 | Aug. 12 | Oct. 5 |
| 1913 . . . | Aug. 13 | Sep. 22 | Aug. 12 | Sep. 30 |
| 1914 . . . | Aug. 5 | Sep. 8 | Aug. 5 | Sep. 13 |

(*Board of Agriculture Statistics*, vol. xlix, part 2, p. 124 (Cd. 7954).)

[1] July 6 is a very early date for finishing the hay harvest.

[2] See Whitaker's *Whalley*, i. 263.

[3] Round, *Victoria Hist. of Essex*, i. 369.

## ADDITIONAL NOTE

Professor H. L. Gray [1] rejects the current view that the two- and three-field system was prevalent throughout England, and thinks that this system was restricted to a large irregular area lying chiefly in the midlands, stretching from Durham to the Channel, and from Cambridgeshire to the Welsh border. In this area open fields lingered longest, and here the limited enclosure of the sixteenth century took place, that is to say open fields were encroached upon where they were especially to be found, and in this region parliamentary enclosure was most employed, for outside it open fields had disappeared for the most part before the era of parliamentary enclosure.

(*a*) The two-field system [2] was most apparent in the counties of Oxford, Gloucester, Somerset, Dorset, Warwick, Wilts., and Berks., the upland parts of which counties form a compact area mostly of high bleak downland, not favourable to a developed type of agriculture. Hence, here, the two-field system lingered, little changed, until the seventeenth century. In the more fertile valleys the three-field system prevailed.

The change from the two- to the three-field system, a step forward in agricultural progress, seems to have occurred in many parts of the north and east midlands during the thirteenth and fourteenth centuries.

A second change took place between the middle of the sixteenth and the middle of the eighteenth centuries which, in some places, took the form of a subdivision of two fields into four, three of which were tilled annually; while elsewhere the change appeared as the transformation of regular into irregular fields apparently for the purpose of improved tillage, often accompanied by considerable piecemeal enclosure.

In the north, north-west, and the south-west the influence of the Celtic system prevailed, of which the chief characteristics were (*a*) the subdivision of land among co-heirs, giving each a share in parcels of every quality, and to this the custom of rundale or runrig was primarily due. (*b*) The smaller size of Celtic townships. (*c*) Different methods of

[1] *English Field Systems*, pp. 403 f.

[2] Ibid., p. 30. The two-field system was also prevalent in the Lincolnshire wolds.

tillage ; e. g. several years of spring corn grown continuously, followed by several years of pasture. (*d*) No two- or three-field system.

In the south-east we find the Kentish system, with the *jugum* as the unit of villein tenure, and this, according to Professor Gray, is of Roman origin.

And in the east, the East Anglian system, in its origin similar to the Kentish, but so modified before the Norman Conquest through the settlement of the Danes, and the formation of the manorial system, that, by the thirteenth century, it had developed pasturage arrangements and a unit of villein tenure (eriung, or *tenementum*) peculiar to itself.

Lastly, the system of the lower Thames basin (Surrey, Middlesex, Herts., and Essex) borrowed characteristics from the Midland, East Anglian, and Kentish systems, with no rigid two- or three-field arrangement in the greater part of the region.[1]

[1] For the reasons why the Celtic and Kentish systems were favourable to early enclosure, see Gray, *English Field Systems*, p. 405.

## CHAPTER III

THE DECLINE OF THE CEORL.—THE GROWTH OF THE MANOR.—THE RECTITUDINES.—THE THEGN'S ESTATE.—THE OFFICIALS ON IT.—THE ENGLISH VILLAGE BEFORE THE CONQUEST

We have seen that the position of the ceorl, or small freeholder, began to deteriorate very soon after the English conquest, and that the institution of bocland was apt to make him less independent; he now found himself a resident on the private estate of a great man instead of being *par inter pares* on his ancestral holding.

And a movement from below still further weakened his position. The small man in unsettled times would naturally feel the need of protection by the great and powerful, at a time when the arm of the law was weak and uncertain. Consequently the small freeholders seem to have sought to commend, first their persons and then their land, to some great man and to obtain his protection on condition that they would render him certain services. In fact they received back their land which they had commended with certain burdens upon it.

Forces were at work which were changing villages full of free landholders into manors full of villeins. Another step in the subjugation of the free landholder was the transfer of jurisdictional rights from the king to churches and thegns. It helped to bind up suit of court with the tenure of land. The suitor goes to the lord's court because he holds land of him. Conveyances of land are made in court, and the lord now has some control over them and takes a small fine for presiding at the sale.

Again, another downward step was taken by the ceorl when the state and the church began to hold the lord responsible for taxes which the ceorl should have paid him-

self. Taxation became heavier, the weight of the Danegeld was crushing, church scot and tithes had also to be paid, as well as the services which all the time had to be rendered to the lord for the land that had been commended. The once free landholders became so poor that before the end of the tenth century the state could no longer deal with them but went to the lord for taxes, and it naturally followed that in the eye of the state the lord who paid the taxes was looked upon as the owner of the land.[1]

Thus by the end of the tenth century every occupier of land was attached to some lord and the freeholding ceorl was far on the way to become the unfree villein.

That the organization of the manor was largely perfected sometime before the Norman Conquest (though the term 'manor' does not appear until Domesday) we learn from the *Rectitudines Singularum Personarum*, that is, the Services due from various Persons, an interesting description of the management of an estate at the end of the tenth or beginning of the eleventh century.

First of all come the services of the thegn, whom we now almost call the lord of the manor, the *Rectitudines* telling us that he owed his military and other services for his land to the king, and these services almost always included the three great duties, the *trinoda necessitas*: (1) to accompany the king on his military expeditions (fyrdfaereld); (2) to aid him in the building of his fortifications (buhrbote); (3) to maintain the bridges (brigbote).

His military duties in a warlike age were most important, but King Ine[2] had enacted that he should perform his duties as a landlord also. When he goes on long expeditions, if he have twenty hides of land he must show twelve hides of gesettes land, or land set out to and cultivated by tenants, at least; if he have ten hides he must show six hides at least; and if he have three hides, one and a half of gesettes land, before he absents himself from his estate.[3]

[1] Maitland, *Domesday*, p. 323.

[2] Ine does not use the word 'thegn' and speaks of gesithcundmen, but the distinction between thegn and gesith seems fanciful.

[3] Seebohm, *Village Community*, p. 136.

The estate of the thegn (for such it had now become) was divided into demesne land, or inland, that portion which he had in his own hands ; and the geneat or gesettes land, the portion of the estate 'set' or let to tenants, answering to the land in villeinage of the Norman manor.

Of these tenants there were two classes: a superior class, providing their own farming outfit, and furnishing provisions, and occasional services at specially busy seasons, to the thegn ; and a humbler class, for whom the thegn provided an outfit, who worked two or three days a week all the year round on the lord's demesne, and in addition performed extra work (boonwork) at specially busy seasons such as harvest, and furnished a few provisions for the lord's use.

The former were called geneats, the latter geburs, and in addition to these was a class of cotsetles or cottagers, while below them were the slaves.

The cotsetle, or cottier, nominally held about five acres, and rendered similar services to the gebur, but on a humbler scale.

The geneat, the gebur, and the cotsetle, are all free ; beneath them, at the bottom of the social scale, comes the slave, who did menial work on the demesne and sometimes for the geneats and geburs. He was, perhaps, a descendant of the conquered Britons, or a man who had fallen into slavery through poverty.

Besides the classes we have mentioned there were the gafol gelders, rendering food-rents and occasional services to the king or his grantees, probably answering to the freemen of Domesday, who are not mentioned in the *Rectitudines* since they were not essential to the management of the estate.

The officials of the manor are of importance all through manorial history, and some of them survive to-day, so we make no apology for describing them at some length. Contemporary with the *Rectitudines* is the interesting document describing the duties of a Reeve, or bailiff, who, we are told, ought to know both the lord's landright and the folk-right, and the season of every crop, since farm work

varies according to locality. If he be too proud or negligent to attend to the things which belong to cattle-stall or threshing-floor the result will soon show itself in the barn. The faithful reeve should set forth the farm work for the year and the implements and tools required, not even neglecting a mousetrap or, what is less, a peg for a hasp.

Chaucer describes the reeve as

> a sclendre colerik man,
> His berd was shave as ny as ever he kan ;
> His heer was by his erys round y-shorn,
> His tope [1] was doked lyk a preest biforn,
> Ful longé were his legges and ful lene,
> Y-lyk a staf there was no calf y-sene.
> Wel koude he kepe a gerner and a bynne,
> Ther was noon auditor koude on him wynne,
> Wel wiste he, by the droghte and by the reyn,
> The yeldynge of his seed and of his greyn.
> His lorde's sheepe, his neet, his dayerye,
> His swyn, his hors, his stoor,[2] and his pultrye,
> Was hoolly in this reve's governyng.

The functionary next in importance to the gerefa or reeve was the bydel or beadle,[3] whose duties apparently included those of a modern petty constable, messenger, and crier. He collected the gafol, made all announcements, and communicated all commands from head-quarters to the tenants in the village, and possibly aided in the execution of justice. He was himself one of the villagers, a gebur or a cotsetle, and in return for his work was released from some of the burdens which fell upon the class of tenantry to which he belonged, and was given a portion of land.

The overseeing of particular classes of farm work was delegated for stated periods to certain of the tenants, who were therefore called *bryttas*, or overseers. They were not officers properly so-called, and are seldom found in later mediaeval manors. Their work was temporary, only while the season lasted, and they received certain perquisites for their labour ; the bere brytta, for instance,

[1] The crown of his head. [2] Farm stock.

[3] Andrews, *Old English Manor*, p. 142.

who had charge of the storing and threshing of the grain in the barn, received any refuse which had fallen at the barn door. Another *brytta* or overseer was the sower or *saedere*, who superintended the sowers, but no record of his services is found in later manorial account books. Other interests were put under the charge of others of the tenants, who gained therefrom certain additional support, or exemption from some of the regular and stated duties. Such were the care of bees, swine, or domestic animals, and the watching of the wood and the hedges. Most important was the bee-keeper, *apium custos*, *apiarius*, or *mellitarius*, since honey was one of the prime necessaries of life for sweetening and lighting purposes, besides being the chief element in the favourite drink of a drink-loving nation. The bee-keeper as a freeman and gebur had under him a slave who performed the most menial part of the labour.

Of equal importance was the swine-keeper, *porcarius*, also a gebur like the bee-keeper, with slaves under him to do the more menial drudgery. Swine were kept in large numbers everywhere, as pork was the chief meat-food of the tenants. The herds which devoured the mast of acorns and beechnuts in the woods were often of great size, and on one manor in Wiltshire, at the time of Domesday, no less than twenty-nine swineherds were required, but one or two would probably suffice for the ordinary manor.

The position of the other workers with special functions, the herdsmen, and the wards of wood and hedge is not so easy to determine. The majority of them were probably geburs and the rest theows or slaves.

First among the herdsmen was the oxherd, *bubulcus*, who had charge of the oxen of the lord, and when they had come home from their day's ploughing and had been unyoked by the ploughman, they were taken charge of by the oxherd, who drove them to the pasture where he remained watching them during the night for fear of thieves. Early in the morning he returned them to the ploughman well fed and watered. The cowherd, *vaccarius*, had charge of the milking and calving of the cows, and in the *Rectitudines* his duties

were separate from those of the oxherd, but in later custumals and manor accounts the two are confounded and the name cowherd practically supersedes that of oxherd. Similar to the duties of these men were those of the shepherd, *opilio*, who drove the flock to their pasture, the scypham, where he guarded them from wolves with dogs. From the pasture the shepherd led the flock back to the fold upon the inland, or near it, and there milked the ewes twice a day. In return for his services he was allowed the manure of the flock on his own ground for twelve nights, received one lamb annually, the fleece of a bell wether after shearing, the milk of the herd for seven nights after the equinox, and a bowl of whey or buttermilk each night during summer. On the manor of Brithwolton in Berkshire, in the thirteenth century, there was also a keeper of the ewes, an indication of the increase in the importance of sheep-raising owing to England's practical monopoly of the wool-trade at that time.

Last among the herdsmen was the goatherd, *caprarius*, whose duties were light and apparently not of much importance. He was allowed the milk of the herd from Martinmas (November 23, O.S.) to the end of the year, his share of the whey during the summer, and a kid from the year's increase of the flock. Goat-raising was not a prominent industry at any time in England; the goat was the least valuable of farm animals, and the goatherd the least important of the herdsmen. The herdsmen dwelt in little hamlets at some distance from the village where the geburs lived, near to the pasture where their work lay. Yet the presumption is that they were chosen from the geburs.

Centuries after this, where the common-field system still survived, we find the shepherd and the cowherd leading the village flock and the village herd to and from the pastures.

The wards of wood and hedge seem also to have had huts on the outskirts of the settlements. The woodward had the care of the woods directly connected with the manorial

estate, which were valuable for hunting, building, repairs, provision of firewood, of material for hedging, and of mast for the swine; but with the great forests then spread over so much of England he had nothing to do.

Most of these lesser woodlands were the land of the lord, but there were also portions especially set apart for the tenants, in addition to their rights of taking wood for building, repairs, fuel, and their right of grazing.

In the *Rectitudines* the woodward was allowed all windfall trees.

The fencing of the estate demanded constant attention, especially that round the outland or tenants' land, which was continually being put up and taken down. The worker who looked after this was the hedgeward or haward.[1] He was the protector of the common hedge which separated the arable from the pasture, and of the other hedges which surrounded the meadows and animal enclosures. He had chiefly to do with the outland and his task was, most likely, to supervise, to report breaches or weak places, and see that the fences were put up and taken down at the proper time, hurdles being extensively used.

He received an allotment of land for his services, in strips which lay on the outskirts of the open field next the pasture land, so that in case he neglected his duties the damage would fall on his own holding first, it was therefore his interest to keep a keen look-out.

From these two documents it is clear that the lordship, soon to be called 'the manor', was already in existence before the Norman Conquest. The thegn or lord is there, the geneat, answering to the sochman of Domesday; the gebur answering to the villein, the cotsetle to the cottier or bordar, and under them the slaves. And the services of these classes are practically identical with those of the various classes who correspond to them in Domesday.

The English disliked town life as much as their modern descendants seem to love it, so that when we describe the

[1] Not to be confounded with the hayward, or messer, who watched the lord's grain.

various classes of an early English village we describe the typical English community, a rural community.

First came the magnates or gentry, the thegns or landlords, or squires as we should call them, owners of estates of varying size for which they paid taxes in money and provisions, and rendered services to the king. The land which they kept in their own hands, the inland, lay partly in strips scattered among the common fields with those of the tenants, and partly (in later times), in a compact home farm round the manor house, and this land was cultivated as we have seen by all the inferior classes of the community in various shares.

There have been many controversies concerning the distinctions between the five cultivating classes who complete the community, and the last word about them has still to be written ; but we may picture them broadly after this fashion.

First were what we should call the yeomen or occupying owners, the gafold gelders, answering to the *liberi homines* of Domesday.

Next the tenant farmers, the geneats who rendered services to their lords for their lands not so heavy as those of the smaller tenant farmers, the geburs, whose services were decidedly onerous.

We may, perhaps, look on the gafol gelder, the geneat, and the gebur as the representatives of the ceorls of Æthelbert's Laws ; the former having maintained his position, the second deteriorated somewhat, and the third deteriorated to a greater extent. Then came the cottagers, with their ordinary holding of five acres, also tenants, paying a rent of one day's work a week to the lord, and no doubt, like small holders of to-day, working sometimes for the geneats and geburs.

And at the bottom of the social ladder was the slave, maintained and housed by his lord.

Lordship had thus been superimposed on the village community.

But all England was not divided into lordships. There

were, especially in the east, where the Danes had settled most thickly, free villages, of which the best known example is the little village of Orwell in Cambridgeshire, which, in King Edward the Confessor's day, was rated at four hides but had land for five and a quarter teams.

It was a village of thirteen or fourteen families, utterly free from seignorial domination, with no common superior but the king. They were sokemen cultivating their land on the common-field system, with holdings of from a quarter of a virgate, that is seven and a half acres, to three and a quarter virgates or 97½ acres, though most of the holdings were about one virgate in size. It was, in fact, a village of occupying small owners.

# CHAPTER IV

THE NORMAN CONQUEST AND ITS EFFECT ON THE MANOR.—THE PEOPLE ON THE MANORS.—THE VILLEIN'S POSITION.—THE VILL AND THE MANOR.—KINGHAM MANOR

William the Conqueror professed to claim the crown of England not by conquest, but as the legitimately elected king, and as the lawful successor of Edward the Confessor. Harold was, according to this theory, a perjured usurper, and all those who had supported him in arms shared his guilt, as in a minor degree did those who had acknowledged him as the rightful king.

William had a swarm of followers who had to be rewarded, and land was practically the only available form of wealth with which he could reward them, and it naturally followed that the land of the 'rebel' English was forfeited and bestowed on the Normans, so that after the Conquest the bulk of the landowners were Normans who had displaced Englishmen.

In 1086 the great survey of the realm known as Domesday Book was completed, which was primarily compiled to ascertain the exact taxable value of the land for Danegeld. The invaluable, but, alas, incomplete, picture of the condition of England which it gives has often been described before; but it is necessary for the coherence of our story that we should notice some of its principal details.

And it is essential to grasp the condition of the various classes on the manor in order to understand how enclosure affected the people on the land.

For we have now arrived at the manor of historic times,[1] which the Norman Conquest, with its stricter ideas of feudalism, its more rigid ideas of status and tenure, its conception of the king as supreme landowner, was now

[1] 'The word *manerium* seems to have come in with the Conqueror, and in its origin was but one more name for a house.' (Maitland, *Domesday*, p. 108.)

organizing and consolidating. 'The tie between the lord and his dependants had been growing closer and more personal all through the Saxon period, and the Norman Conquest accentuated this development, raising the lord, debasing the dependant, and fusing into one the numerous, varying grades of villeinage.'[1]

The different classes of persons on the land according to Domesday were much the same as those in later Saxon times. At the top of the scale comes the landowner, the lord, who has rights over other people, and at the bottom the slave, who has no rights, or next to no rights at all, and between these two extremes were five classes—freemen (*liberi homines*), sokemen, villeins, bordars, and cottars.

These again fall into two classes, the two first being free, the other three unfree: and the dividing line in Domesday was the fact that the first two paid their own taxes, while the others did not, the lord paying them.

The word 'free' is, however, an elastic term meaning different things in different contexts: no one who has an overlord, as the freeman and sokeman had, can be called absolutely free: and no one who possesses civil rights, as the villeins, bordars, and cottars did, can be called wholly unfree.

The free tenants, the *liberi homines*, and the sokemen had to pay a fixed rent to the lord either in money or in kind, and sometimes in labour. This rent was fixed and certain in amount, and they were masters of their own actions as soon as it was paid. They were not like the villeins bound to the soil but could transfer their holdings (though both had sometimes to get leave of their lords to do so), or quit the manor if they wished. However, they were bound to render military service which the villein escaped. They were most numerous in the eastern counties, the home of freedom, as can be seen from Seebohm's maps in his *Village Community*, and there they formed from 27 to 45 per cent. of the population, though, in England as a whole, they were only 4 per cent. of the population. We shall see that in the sixteenth

[1] Gibbins, *Industry in England*, p. 60.

century the freeholders were more numerous in Suffolk than anywhere else in England. The villeins[1] formed 38 per cent. of the total population recorded in Domesday, and were by far the most numerous class; pretty evenly distributed all over England except where partially displaced by the sokemen of the Danish district. Their holdings varied in size, but the commonest were about 30 acres, that is a yardland, or virgate, or a quarter of a hide, in the arable fields, divided into acre or half-acre strips, with its appendant meadow, pasture, and waste;[2] in fact the holding of the Saxon gebur. For this land, though little is known from Domesday as to their services, we may infer from subsequent accounts that they rendered the same services to the lord as the Saxon gebur; regular week-work, that is ploughing or reaping or some other farm work for two or three days a week, and at harvest; *precariae* or boon work on special days not fixed; and they further, like the gebur, paid rent or gafol to the lord in money, provisions, or work.

Of these services the week-work was evidently the most servile, but almost equally servile were other restrictions on the villein's freedom, of which the most general were the requirement of the lord's licence for the marriage of a daughter, the prohibition of the sale of his oxen without the lord's licence, the obligation to use the lord's mill, and do service at his court.

[1] We must remember that the word 'villeinage' conveyed different meanings at different times. It also meant two things at the same time. (1) It was the name given to the *status* of a large part of the population. (2) It was the name given to a certain form of land *tenure*. Thus a person of villein status, even though he had acquired a freehold, was bound by reason of his status to the performance of certain duties to his lord; whilst a man, even though a freeman, who had received land to hold in villeinage, was bound by reason of his tenure to discharge many duties pertaining to a bondman for that land.

[2] 'Pasture' and 'waste' are generally used as synonymous for the rough open land that surrounded the common fields and meadows of the village; but sometimes the word 'pasture' was applied to the rough grazing land nearest the village, and the term 'waste' to the utterly unclaimed land beyond this.

Professor Innes[1] says the Domesday inquiry does not reveal proofs of any very marked loss of freedom on the part of the villein. As yet there is no evidence of his being *ascriptus glebae*, tied to the soil, or unable to migrate without his lord's leave as in later days. He had not yet lost the rights of the free ceorl, but there was a constant tendency in the fifty years after the Conquest to degrade his position. Also during the same period many sokemen dropped into villeinage, for the Normans looked on themselves as conquerors and missed no opportunity of tightening their grip on the conquered English. But after this half-century, in the Plantagenet period, as the sense of the relation of conquerors and conquered gradually passed away and the strength of the central government became established and that of the lords weakened, the reverse process appears to have set in: the villein who prospered sought to become a freeman: his lord was not unwilling to exchange rights over the villein's person for a sufficient consideration, and the number of free occupiers of land increased again, though those villeins who remained bondmen became still more servile. As far as we can see there were two contrary tendencies at work; the lawyer always trying to change the customary freedom of the villein into an almost complete servitude from the legal point of view, while on the other hand economic forces were always tending to give him practical, if not legal freedom. As industry, commerce, and prosperity grew, and feudalism waned, the villein's position inevitably became more free and the efforts of the lawyers to put the clock back were futile.

And we must remember there was a great outward similarity between the small freeholders and the villeins. Side by side they often worked together on the lord's demesne, or performed the duties of the manorial court, or assisted each other in the cultivation of their own holdings, and very often the labour supplied and the dues paid by the members of the two classes differed little in quantity or quality, so that to distinguish their status was no easy matter. There

[1] *England's Industrial Development*, p. 37.

were aspects of villeinage favourable to the villein : he had what would now be called security of tenure, for as long as he discharged his services, which the lord had no right to increase, the lord could not turn him out of his holding.

Moreover, the holding was heritable and passed to the villein's heir. And he could purchase a remission of his services and become a free tenant, which from the reign of Henry II onwards he did with increasing frequency. His position by no means intolerable was yet marked with a stigma which he always sought to escape. That position may be summed up by saying that while he owed his lord customary services, his lord could not refuse him customary rights ; while no one else in the world had a right to demand any services of him. Next to the villeins came the bordars and cottars, the exact status of whom has been the subject of much discussion, but probably the real distinction between them was very slight. They were a numerous class and formed 32 per cent. of the Domesday population, answering to the cotsetles of Saxon times. They usually held from five to ten acres of land apiece, with a cottage ; worked for their lord one day a week, and if Seebohm is right in saying they possessed no plough or oxen their services must have taken the form of manual labour.

As the term 'manor' was introduced at the Conquest, so at the same time the English tun became the Norman vill, and at the time of Domesday vill and manor frequently corresponded, but are yet to be carefully distinguished. The manor was at this date a fiscal unit, the tax gatherer called at the manor house or hall for the taxes ; the vill was the agrarian unit, worked by the joint teams of its villagers as it had been for centuries. The manor was sometimes much smaller than a vill, sometimes much larger ; some manors contained several vills, some vills contained more than one manor. And though the vill may be regarded as primarily the agricultural unit, and the manor the fiscal, yet the manor may also be described as an agricultural estate with its home farm and its various kinds of tenants.

And again, it was more than a modern estate, it was a dominion, for the lord had jurisdiction within it.

Manors were of all sizes, from the great manor of Leominster, with its 260 teams and 31,000 acres, to the little Somersetshire manors mentioned by Maitland,[1] which were not much more than pieces of pasture land.

As many of the lords had more than one manor, some of the great men having hundreds, it was usual in such cases to place a bailiff on each manor to see to the farming of the demesne and the services of the villeins. On the other hand the villeins had their reeve, who was elected to represent them and was responsible for the proper performance of their services. When the lord had many manors he employed a steward or seneschall, much like the modern agent, who supervised the bailiffs and presided over the manor court in the absence of the lord, as he does to this day.

A good example of a Domesday manor, and the subsequent changes thereon as described in the Hundred Rolls two hundred years afterwards, is that of Kingham in Oxfordshire, of which the entry relating to it in Domesday Book is :[2]

Geoffrey de Mandeville holds ten hides in Caningeham of the King. There is land for sixteen ploughs. Now in demesne four ploughs, four slaves, 19 villeins with ten bordars have 12 ploughs. There is a mill worth 44 pence : also 109 acres of meadow and 33 acres of pasture. It used to be worth £12, now £15 a year.

The first entry merely tells us at how many hides the vill of Kingham was assessed and, therefore, how much geld Geoffrey would pay King William. The next entry, ' there is land for 16 ploughs ', or land needing the work of 16 ploughs, gives the area of cultivable arable land, and as there were 4 ploughs in demesne and 12 belonging to the villeins we see that the whole was cultivated. The villeins at Kingham held more than the customary virgate each, for we are told that they and the 10 bordars held 12 plough lands, each normally of 4 virgates, and as bordars hardly

[1] *Domesday*, p. 117.

[2] Warde Fowler, *Kingham Old and New*, pp. 25 f. D.B. 1596, Caningeham.

ever held more than 10 acres each, this would leave about 45 virgates for the 19 villeins.

As the normal plough team consisted of eight oxen and was supposed to cultivate 120 acres in a year, we ought to arrive at the area of arable land in the village, but this would give 1,920 acres and there are only 1,876 acres in the whole parish to-day, while there is no reason to think that the area has altered appreciably.

Mr. Warde Fowler, whose knowledge of the history of the locality is well known, thinks that the solution of this difficulty is that the plough-land, carucate, in Kingham was, as it must often have been, less than 120 acres, probably 100 acres, which would give a total arable area of 1,600 acres. This seems a very large proportion of tillage to us, but was characteristic of the Domesday period, when, as Professor Maitland has shown us, some counties contained more than double the area of arable that they do to-day. But a more likely solution is, perhaps, to be found in the fact that the real acre of mediaeval times was much smaller than the nominal acre, often not much more than half a statute acre ; and this fact would explain also the enormous quantity of arable land in other districts which is mentioned in Domesday. Though there seems to be no doubt that from the time of Caesar until Tudor days (when Harrison says England was chiefly a grazing country), we were mainly a corn-growing nation, yet there must have been a considerable amount of pasture to feed the sheep for which the country was even then famous.[1]

There were, allowing for grown up sons in the families of the villeins and bordars, about the same number of men as would be required to work the land to-day if we assume that the area of arable was 1,600 acres, since the average number of agricultural labourers to-day in England per

[1] Maitland, *Domesday*, p. 440, says at least one-third of the arable land was at this time devoted to corn for the manufacture of the national drink of beer. We must bear in mind Mr. Round's caution that it is not safe to make general inferences from single entries in Domesday owing to the number of inaccuracies and omissions. J. H. Round, *Feudal England*, p. 20.

100 acres of arable is four,[1] who, however, have the assistance of much labour-saving machinery. Adding a priest and a steward, who are not mentioned, and allowing the usual five per family for each adult male, the population was a little under 200, or rather more than the average population of a Domesday manor. It is to be noticed that there are no *liberi homines* or freemen, and no sokemen, the latter never being found in Oxfordshire manors, though the former are.[2] Though Domesday shows us an England with a great quantity of arable land, the meadowland is usually small in area, so that the 109 acres of Kingham meadow is a generous quantity.

The quantity of pasture too is small, 33 acres, though in the great Inquest it is not difficult to find vills with no recorded meadow or pasture, so that the only grazing for the stock must have been found on the arable fields between harvest and seed time and on the meadows after the hay was carried. And here there would be a fair supply of food, for up to the time of enclosure the highest part only of the high ridges was ploughed, the lower portions being left in natural grass.[3]

[1] *Journal of Farmers' Club*, 1909, p. 889. In Scotland it is $2\frac{1}{2}$ men per 100 acres. Perhaps the Domesday villein, being well paid, like the Scot, did more work than the average English labourer!

[2] Ballard, *Woodstock Manor*, p. 429.

[3] The amount of pasture recorded may be *several* pasture, or that held in severalty, as was not uncommon. Round many of the manors at this time there must have been a large area of rough waste, unmeasured.

# CHAPTER V

CHANGES IN THE MANOR AFTER DOMESDAY.—ECONOMIC PROGRESS OF THE VILLEINS.—ACCUMULATION OF PROPERTY BY THEM.—SERVICES COMMUTED FOR CASH PAYMENTS.—ECONOMIC RENTS.—MANORIAL ACCOUNTS AND SURVEYS

THE next glimpse we have of the manor of Kingham is from the Hundred Rolls [1] in the year 1279, and the first thing to be noticed is that the villeins, now 25 in number, have commuted their services on the lord's land for a money payment, which is in accordance with the tendency of the time, though, apparently, services were still the rule in England in the thirteenth century.

They paid 16*s*. for each virgate, which was a little more than the average rent then of 4d. to 6d. an acre, and it is said that their rents had risen far beyond the value of their labour and customary services. It was a prosperous time, so we are not surprised at this.[2]

The slaves have disappeared altogether, and the bordars have done so in name, both of which facts are characteristic of the era, but we have six holders of cottages with no land who probably worked for wages, another growing tendency, and one inimical to the manorial system.

We have said above that the number of freemen began to increase from the reign of Henry II, so we are not surprised to find in 1279 the names of seventeen freemen, men who held their land by a tenure free from all burdens whether of service or payment, rendering only a small quit rent to the lord.[3]

The land in demesne was 16 virgates as in 1086; 23 of the villeins held virgates, and two of them half-virgates, so

[1] *Rotuli Hundredorum*, ii. 733.

[2] *Victoria County Hist., Oxfordshire*, ii. 174.

[3] Cf. the case of Milton, in Cunningham, *Industry and Commerce*, i. 170, and 179.

that the size of their holdings had considerably diminished since 1086.

A portion of their former holdings had evidently passed to the free tenants, some of whom held two virgates, some one, and others fractional parts. The occupiers in 1279 had increased from 29 to 48, if we include the cottagers, and the annual value from £15 to £37 4*s*. 2*d*., just what we should expect, as England under Henry III and Edward I grew in population and wealth, and agriculture, almost the only industry, was very prosperous.

Mr. Ballard in his *Woodstock Manor in the Thirteenth Century* (p. 433) gives us a good example of the rents and services of villeins in 1287–8 on the four manors of Bladon, Combe, Handborough, and Wootton, which were sub-manors of the manor of Woodstock. It is to be noticed how the rents and services varied from manor to manor.

SERVICES OF A SERVILE TENANT OF A VIRGATE

| *Bladon.* | *Combe.* | *Handborough.* | *Wootton.* |
|---|---|---|---|
| From Midsummer to Michaelmas work every week-day except Saturdays. With another man make hay in Long Acre as long as necessary. | Pay rent of 7*s*. 6½*d*. | Pay rent of 5*s*. | Pay a rent of 5*s*. 1*d*. |
| Carry hay and corn for four days. | Find two men for 10 days in autumn. | Plough 3 selions in winter, 3 in Lent, and 3 in fallow. | Plough 1 selion in winter. |
| Find a man to mow Law Mead for one day. | | Harrow seed at two sowings. | Ditto. in Lent. |
| Three boon works in autumn with two men, finding his own food. | | Mow for two days with one man. | Find one man for hoeing as long as necessary. |
| One boon work with all his family at lord's food. | | Load hay for two days with one man. | Mow for two days. |
| Plough three times a year. | | Carry 4 loads of hay. | Carry two bundles of hay to Wootton. |
| Cut ivy in the Park for the king's deer for three days. | | Reap for three days with two men. | Make hay with one man. |
| Pay rent of 3*s*.9*d*. | | Carry 4 loads of corn. | Three boon works in autumn with two men. |
| | | Redeem his children. | One boon work in autumn at lord's food. |
| | | If necessary work every day throughout the year except Saturdays and feasts, in which case his rent is reduced to 2*s*. | Carry 2 loads of corn. |
| | | | Shall not marry his son or daughter outside the king's demesne without the bailiff's licence. |

The Handborough accounts show that between 1250 and 1279 there had been an increase in the rents of the villeins, owing to the fact that they had been allowed to commute their work for an extra rent, and apparently the same happened at Combe.

This is in accordance with the general tendency now strongly marked ; but in some instances rents were excused in consideration for services, for instance, in the case of servants such as ploughmen on the desmesne farm as at Bladon, where one of the customary virgaters was chosen as ploughman and therefore excused half his rents and services. But this practice, apparently opposed to the widespread movement of the period, was only customary in special cases.

On the same four manors, at the same date, we have the rents and services of the cottars or cottagers, men who held cottages and probably a little land. Their rents and services also varied on the different manors.

SERVICES OF A COTTAGER

| *Bladon.* | *Combe.* | *Handborough.* | *Wootton.* |
|---|---|---|---|
| Pay rent of 1*s.* 6*d.* | Pay rent of 2*s.* 9½*d.* | Pay rent varying from 1*s.* to 2*s.* 8*d.* | Pay rent of 1*s.* 5*d.* |
| Work one day a week from Midsummer to Michaelmas. | Work every Friday from Aug. 1st to Michaelmas. | Reap for three days. | Hoe corn on alternate days. |
| Find one man to mow in Long Acre. | Find one man for three days in autumn. | Carry hay. | Make hay when necessary. |
| Rick hay in Court of Bladon. | | Assist at Magnum Moylon. | Four boon works in autumn. |
| | | Keep lord's prison at Handborough. | |

On the manor of Wilburton, Cambridgeshire, in 1277, the customary tenants paid 19*d.* a year for their holdings ; did from two to five ' works ' (i. e. the work of one man for one day) a week according to the time of year, and a good deal of other work besides.[1] And there were ten and a half cottage tenements, the holders of each paying 7*d.* a year and doing two ' works ' every week. These men and the

[1] Maitland, ' Hist. of a Cambridgeshire Manor', *Eng. Hist. Rev.* ix. 417 f.

villeins owe suit to the lord's mill, that is they were obliged to have their corn ground there ; to pay a fine for marrying their daughters, leyrwite, and tallage, and they cannot sell colt or ox without their lord's consent.

The officials on the manor of Forncett [1] at the end of the thirteenth century may be compared with those in the *Rectitudines*. There was a reeve (*praepositus*), several beadles or messors, a cart-reeve, a reep-reeve, and one or more collectors of rents. The most important of these were the reeve and the messor. They were serfs apparently appointed by the lord, and rendered yearly accounts of all receipts and expenditure connected with the manorial administration. The duties of the reeve also consisted of the care and sale of stock and grain. The reep-reeve and cart-reeve were charged with humbler agricultural services, the performance of which was limited to the harvest season, and they were elected in the manor court.

Outside the manor were the steward and the accountants, the steward's special province being to protect the legal rights of the lord and superintend the economic administration of the estate.

As the steward acted as a check upon the reeve and other officers, so did the accountants upon the steward himself, as well as upon the other officers of the manor. Their chief visit was made at Michaelmas, when they audited the accounts of the subordinate officials.

Such are some pictures of the thirteenth-century manor, but we must not forget that during the last centuries of the Middle Ages the free and unfree classes in England were not divided by any clear and sharp line. There was on the contrary ' a broad expanse of debatable land between them : a land peopled with industrious and useful men, who did not know, and probably seldom paused to think, whether in the eyes of lawyers they were free or unfree '. This indefiniteness of boundary facilitated the passing from one class to the other, and although it had at one time aided in depressing the freeman, yet, after the thirteenth century,

[1] Davenport, *Norfolk Manor*, p. 24.

it continued to play an equally important part when the stream of tendency had set in the opposite direction.

But on both sides of this shadowy territory there were men about whose condition there was no doubt. On one side were the free, subdivided into various classes, from the baron with his many manors to the simple freeman, eking out a scanty existence by his labour. On the other side were the unfree, likewise subdivided into classes according to the amount of land they held or the rights they had acquired, but who were all known by the term (in its wider sense) of bondmen or villeins.

It is generally asserted that the position of the villein deteriorated and that he became by the reign of Edward I practically a serf; and there is no doubt that the lawyers thus described his status. But the economic forces of growing industry and commerce and the advancing prosperity of the country worked in a contrary direction, and Seebohm is probably right in saying that by this time his position had much improved and he was half-way on the road to freedom.[1]

We must not assume, therefore, that the economic relationship between the different members of the manor always followed the same grouping and ran on the same lines as the legal ones which are so clear-cut and distinct.[2] The changes in economic development do not appear clearly in early rentals and surveys, for the manorial officials were concerned in getting an income from the manor, not in supplying information about the methods of agriculture, or the relations between tenants, except so far as they affected the manorial revenue. It did not matter to them who the landholder was, provided that the land, however held, yielded the customary services and payments. It was the virgate which paid the rents, mowed the lord's meadow, reaped the lord's field, and carried the lord's messages; and as long as these things are done the question what individual or individuals hold the virgate is a matter of indifference

[1] *Village Community*, p. 158.

[2] Tawney, *Agrarian Problem in the Sixteenth Century*, pp. 76 f.

to the bailiff. Under the cover of an artificial unity there was much diversity of arrangement. The manor, to the lord, his steward, and his bailiff, is primarily a business; but it is also a village community of peasants, whose economic relations are very important when we inquire into changes in the distribution of peasant property which now becomes an increasingly marked feature of agrarian life. Though the manorial organization was perfected and stiffened in the thirteenth century, it was unable to restrain the accumulative powers of the more thrifty and enterprising, and from now on there is a constant tendency for property to pass into the hands of more prosperous tenants. These men bought from their less capable and less successful neighbours, and from the lord, and also colonized unoccupied land in the waste around them. And accumulation was going on in a manner that we should expect; men abandoned portions of their own land in exchange for other land more convenient, in order to build up more compact holdings in place of the scattered strips. Of this we have an instance in the manor of Gorleston in Suffolk, where, in the time of Henry III, one John Bond, a villein, held twelve acres.[1] But his son is not content with the old holding, and we find that he has let two acres to Matilda Bond, one acre to Thomas le Palmer and Alicia his wife, and two and a half acres to Margaret Ruffi. He has further let small plots of land for building purposes to eight persons, so that in John Bond's own occupation there is hardly left more than five or six acres of his original twelve. But while he has been letting to others, he has been entering on new tenancies himself. He has rented three half-acre strips from the holdings of three neighbours; three rods from a fourth, one acre from a fifth, two lots of one and a half acres each from a sixth and seventh, and another piece of unspecified size from an eighth. So the amount of land in his occupation is almost exactly the same as before. He has abandoned half his land, the scattered pieces, to build up a compact little farm round the other half, and several of his neighbours

[1] *Victoria County Hist., Suffolk*, i. 643.

are doing the same. Thus we see the growth of compact holdings affording more scope for enterprise and initiative, accompanied, too, by the disappearance of servile conditions. There was also much letting and sub-letting of land by the more prosperous of the customary tenants. We see then much fluidity in the transfer of land, and a constant upward movement which brought a rural middle class into existence in the fourteenth century ; a class recruited from the more industrious families or from the official class ; from men who were rewarded for their services by grants of land at a nominal rent which gave them an advantageous start, and from the village tradesmen or artisans who could apply the money earned in trade to enable them to farm on a better scale than their neighbours.[1] Besides this perpetual land speculation among the peasants, there was continual taking in of pieces of the waste by tenants with the permission of the manorial authorities, and sometimes without.

But the most important factor working in the tenant's favour was the substitution of cash payments for services, owing to the spread of commerce and its reaction on agriculture. Cash payments can be traced back to a date as early as 900, and at the beginning of the twelfth century we find a great number of rent-paying tenants ; yet, in the thirteenth, labour services were still the rule. In the fourteenth century money began to be more generally available owing to the continued growth of commerce, so that wealth, and the process of commutations, grew steadily. These commutations were entered on the manor rental, and tended to assimilate the tenure of the serf, now increasingly called a tenant by copy, or custom, with that of the freeholder who sat at a fee farm rent.[2] The exact period at which the bulk of the labour services were commuted has been much debated. Thorold Rogers thought that by the time of the Black Death, 1348–9, few villeins were still held to the performance of predial services. Stubbs,

[1] For this see Mr. Tawney's excellent description in his *Agrarian Problem in the Sixteenth Century.*

[2] Thorold Rogers, *Six Centuries of Work and Wages,* p. 219.

Gneist, Green, and others agreed with him. On the other hand Professor Cunningham says that, though a partial commutation had taken place before the Black Death, villein services were commonly rendered throughout the fifteenth century.[1] Dr. Page thinks that at the end of the first half of the fourteenth century commutation of services had made little progress.

Dr. Page investigated this question on eighty-one manors between the years 1325 and 1350, and found that on only six were predial services abolished, on nine the villeins did a little hand labour, on twenty-two they did half the labour on the demesne, and on forty-four all the labour. But the number of manors examined by him is not large enough to warrant any definite conclusion.

An investigation covering wider ground was made by Professor H. L. Gray, and the results set forth in the *English Historical Review* for October 1914. Mr. Gray examined 521 Inquisitiones Post Mortem for the decade 1333–42, these inquisitions being reports made to the royal escheator on the death of a lay fiefholder, or freeholder, which were often amplified by the inclusion of extents, i.e. brief descriptions and valuations of the manors and other estates of the deceased. These extents, among other things, set forth the rents and services due from the tenants, generally separating rents and services, and are therefore a source of the first order for determining to what extent villein services had been commuted. These inquisitions were for estates in all parts of England, and from lay manors, since monastic houses are said to have lagged in the commutation of services, and they show that services had been commuted on a large proportion of manors before the Black Death.

Mr. Gray also examined the accounts of about 400 manors on ecclesiastical estates in various parts of England, with the same result.

Another interesting fact brought out by this inquiry is that services were very seldom rendered, in the half-century before the Black Death, to the north of a line drawn from

[1] *Growth of English Industry and Commerce*, i. 534.

Boston to Gloucester ; but south-east of this line they were to be met with in all counties, and in some were the rule rather than the exception.

It appears therefore that, in this respect, rural England did not, after all, lag so much behind urban centres as we are generally told.

It was probably the development of a money economy which, early in the thirteenth century, brought freedom to the men of Kent. 'The great roads which join London to the seaboard are the arteries along which flows money, the most destructive solvent of seignorial power.'[1]

The commutation of services for money was convenient for the lord, since he was thereby enabled to employ hired labour to cultivate his demesne instead of forced labour, and though, as we know, hired labour is far from ideal, it is more efficient than forced labour, and it required less administration on the part of the lord. Commutations were on the other hand convenient to the villein, since it was much more satisfactory to pay down a sum of money than to be perpetually called away from working on his own land ; and it ministered to his growing desire for independence. The numerous fines recorded in the Court Rolls of the thirteenth and early fourteenth centuries show with what difficulty the reeves forced the villeins to do their work properly, and testify to the unwillingness with which the villein left the tilling of his own strips to labour on the demesne.[2]

The hired labourer, therefore, grew in numbers and was generally supplied by the cottar class, whose holdings were too small to claim much of their time.

Wages and a form of rent were taking the place of labour services, but this rent is not what we understand by the term. It is not strictly payment by a tenant for land he occupies, but an equivalent for services hitherto obligatory, and is a fixed sum not liable to change, not an economic rent.

We must also notice the 'stock and land' lease which

[1] Pollock and Maitland, *Hist. of Eng. Law*, i. 166.

[2] Page, *End of Villeinage*, p. 75.

came into vogue in the thirteenth century, whereby the lord let a certain quantity of stock with the land, for which the tenant had to account at the expiration of his lease. The stock was carefully recorded on the lease which the landlord and tenant executed, and as regularly entered on the back of the tenant's roll of account, for such tenants rendered audit annually, just as the old bailiffs did, and had to exhibit their stock to the steward.[1]

But people on the land were by this time also becoming familiar with economic rents, though they cannot be called competitive rents since the competition was limited to the tenants on the manor.

Though the lord at this date generally cultivated the demesne himself, yet, when he owned several manors, he often let the demesne land of some of them out to farm, and the farmer, the man who paid the ferm, farm, or rent, was the predecessor of our modern tenant-farmer. The manorial mill at which the tenants on the manor were obliged to have their corn ground, so that the profits might go into the lord's pocket, was sometimes let at a money rent. At Wootton in Oxfordshire, in the thirteenth century, the mill was in the possession of a freeholder at a rent of 13*s.* 4*d.* a year. At Combe, in the same county, a custumar, or villein, paid 24*s.* for the mill and half a virgate, and at Handborough the mill was let to a socager *ad firmam*, probably denoting a rack-rent paid under a yearly tenancy, or a tenancy for a term of years. The fishery, another important appurtenance of the manor, was sometimes let, as at Bladon in Oxfordshire, where it was let with a house to a free tenant at a rent of 9*s.* a year.[2] Judging from surviving accounts, the lord made more by letting his

[1] An early example of a stock and land lease is in the *Calendar of Ancient Deeds*, iv, A. 7385. Draft of Demise by John de Colne to Sir Nicholas de Turri of his land in Mordon and Caxton, Cambs., for 7 years from ascension day 35 Hen. iii at 24 marks 4*s.* rent, the land to be redelivered at the end of the term, tilled, sown, ploughed, and relimed as received. Its present cultivation is set out, and then comes the list of the stock: At Morden 2 oxen, 3 horses; at Caxton 5 horses, and 4 oxen.

[2] Ballard, *Woodstock Manor in the Thirteenth Century*, p. 443.

demesne than by farming it himself, even with the help of the villein's labour—an experience which any one acquainted with the management of a modern home farm will certainly endorse. The Fellows of Merton College, Oxford, let their Ibstone estate for thirty-five years, and their Gamlingay estate for fourteen years from the year 1300.[1] They let their Basingstoke estate for twenty-one years from 1310, and their Wolford estate before that date. The property which they owned in Northumberland and Durham was let as early as 1280, and they never cultivated their estates in Leicestershire themselves. But in all but the last they let land and stock, alive and dead together; in other words, they let on a stock and land lease, which was the usual lease at this date.

Thus we see that, though the organization of the manor arrived at its greatest perfection in the thirteenth century, forces were already at work to destroy it. Commercialism was attacking feudalism, and competition—the essence of commercialism—was undermining custom, one of the supporting props of feudalism.

It was the commutation of services which caused the keeping of manorial accounts to become general in the thirteenth century, and it is largely owing to these accounts that we are able to gain a very clear idea of the agricultural economy of England in the Middle Ages. Thorold Rogers, in his *Six Centuries of Work and Wages* (pp. 48–9), gives an excellent example of such accounts. 'The name of the estate is engrossed on the head of the roll of parchment, front and back. Then follows the name of the bailiff, provost, seneschal, or receiver of rents, with the date', generally Michaelmas. The first entry on the receipt side is the arrears with which the bailiff is debited. Then follow the rents of assize, that is the fixed payments of the tenants. Then the rent of the two mills, the corn sales, sales of stock, commutations for labour rents, sales of farm produce, and wool. Lastly, manorial fines on entry, heriots, pleas of court, and sundries.

[1] Thorold Rogers, *Six Centuries of Work and Wages*, p. 50.

The first item on the expenditure side is that of the bad debts, and charges payable to others. Then the charge of ploughs, carts, small purchases, dairy, and purchases of corn and stock; the cost of the buildings, wages, and sundries. These accounts are on the face of the roll; on the back is an account of all the stock and produce of the farm, of all that was on it at the conclusion of the last audit, of all that has been produced in the current year, of all that has been disposed of by sale or otherwise, and of all that remains as a liability against the bailiff. The particular account of which the above is an analysis, if printed in full, requires twelve pages of closely-ranged type in a full-sized octavo page.

Further information is given us by the Extenta, or Surveys,[1] of Manors, which contained an account of the whole condition of the estate, the buildings on it, the fields, and stock in the demesne, the pasturage, the amount of wood, and the profits of the waste, the mills, and the fisheries. They also enumerated the free tenants, and stated the terms of their tenure, the villeins and cottagers, and their services, as well as the patronage and other incidental rights belonging to the manor. It was a great inventory of the manor and all that belonged to it, and enabled the lord to see what his revenue ought to be. The Hundred Rolls of 1279 are largely collections of these surveys, and they show that at the end of the thirteenth century there were three different classes of tenants. (1) Those who had commuted all their services for a definite money rent. (2) Those who paid either services or money as the lord preferred. (3) Those who still performed their obligations in the form of actual services. Besides the Accounts and the Surveys are the Court Rolls, which contain the records of the procedure in the manorial courts, and enable us to follow the history of the tenants, the changes in the persons who held the different holdings, and the changes in the terms on which they held them, the admission of new tenants and the desertion of villeins.

[1] Cunningham, *Growth of Industry and Commerce*, i. 233.

# CHAPTER VI

## THE BLACK DEATH

SLOWNESS OF CHANGE IN RURAL LIFE.—THE EFFECT OF THE BLACK DEATH ON WAGES, ON THE LANDOWNERS.—THE INCREASE OF FREE LABOURERS.—THE EMANCIPATION OF THE VILLEIN.—LEASES.—THE GROWTH OF THE SMALL OWNER

The end of the reign of Edward I may be taken as the culminating point of a long period of steady and solid progress; the towns were prospering, the arts were cultivated with success, good government had been bestowed on the country, and gave it security; and agriculture had its due share in the general advance, one proof of which was the erection of such manorial halls and massive stone barns as still survive at Bredon in Worcestershire, and Bradford in Wiltshire. The mass of the people were better fed and better clothed than those of a similar class on the Continent.

But with the death of Edward I we may say that the progress of English agriculture came to a standstill, and little further advance was made until the end of the fifteenth century, and even then progress was generally slow until the commencement of the reign of George III.[1] 'Except', says Thorold Rogers, 'that the thirteenth-century villager was greatly better off, there was little change induced on the rustic's condition in many parts of England from the middle of the thirteenth to the beginning of the nineteenth century.' At that time

there was many a village, in the south of England at least, which was out of the way of the great high roads, in which few of the yeomen knew how to read and write, and scarcely

[1] Though there was considerable improvement in many parts of England in the seventeenth century.

one of the labourers. For five centuries and a half, for fifteen or sixteen generations, there was no appreciable alteration in the condition of the people. The discipline of the manor court had passed over to the justice's room, and perhaps was more severe after the custom, that no one could be prosecuted as an offender except at the action of his peers, was exchanged for the information of the master, the gamekeeper, or the constable. The village weaver made homespun cloth from the hempen or woollen yarns a century ago as he did six centuries ago. The year witnessed the same unvaried round of occupation that it did when the third Henry was king. Only there was a change in the land of the parish now generally enclosed. . . . Changes of dynasty, civil wars, changes in religion, had occurred without making a break or leaving a memory in the routine of rural existence. The church of the mediaeval village became the church of the Reformed Establishment. . . . The villagers frequented the same alehouse as that at which their forefathers had caroused for generations, held the parish feast on the same day ; . . . and except for slow, trivial, and insensible changes everything was continued as it was when the beginnings of that constitution were effected, outside which the mass of Englishmen remained, or from which they had in the fifteenth century, been excluded. There is, I believe, no part of the Western world in which so little change was induced on the fortunes, on the life, and on the habits of the people, as there has been in rural England from the peaceful reign of Henry III to the earlier years of George III.

But if the progress of the art of agriculture was slow, and there was little change in the habits of the rural people, the organization of agriculture was already being transformed, and the manorial system with its villein services was beginning to depart. 'When Richard II ascended the throne a large proportion of the English peasant population were serfs. When Henry of Richmond defeated the third Richard serfdom was fast becoming extinct.'

The weak government of Edward II, the Hundred Years' War with France, the Wars of the Roses, all combined to impoverish the country ; and England was repeatedly afflicted during the fourteenth and fifteenth centuries by pestilences, the most famous of which was the terrible

Black Death of 1348–9. This has been so often described that it is not necessary to go into detail. It is sufficient to say that it ravaged England in 1348–9 and destroyed nearly half the population, while there were two more outbreaks in 1361 and 1369, though of a less serious nature.

Such an appalling catastrophe had a great effect on the economic growth of the nation ; and is the most important event in the mediaeval history of England. The organization of agriculture was not merely dislocated by this visitation ; it was shattered. In many manors harvests were left ungathered, the fields went unploughed, and stock wandered over the country, for there was no one to tend them.[1]

Many free labourers had died, and the value of those who lived was enhanced, so that the survivors demanded higher wages, which the owners of the soil said they could not afford to pay ; especially as, owing to the great famines in the early part of the fourteenth century, wages had already risen 20 per cent. Half the villeins too were gone, and those who remained soon discovered that their services were worth far more than before the plague ; which made them still more discontented with their servile lot.

The administration of manors was greatly affected. On that of Forncett there had been little change between 1272 and 1306, but between 1306 and 1376 the organization of the manor and the administration of the demesne were revolutionized.[2] There was no resident bailiff, and most of the duties formerly discharged by the bailiff had no longer to be performed ; those that still remained seem to have devolved upon a sort of itinerant bailiff, and perhaps to some extent upon the reeve ; and there was a messor still responsible for certain of the receipts. However, though the number of demesne officials resident on the manor had diminished, the steward and accountants visited the manor with about the same frequency as before.

The balance sheet for another estate in 1350–1 shows the full effects of the loss of life and the scarcity of hands

[1] Henry of Knighton's *Chronicle*, Rolls Series, ii. 62.

[2] Davenport, *Norfolk Manor*, p. 49.

which ensued from the plague.[1] The whole family of the bailiff had perished. The rents of assize[2] had sunk to one-third their former amount. The fulling mill was abandoned as there was no tenant for it. Next year no tenant could be found for the corn mill, although the rent was reduced by more than half. The exits of the manor were a little more than a fourth of the sum previously received, and the profit of the court was not a tenth; there was a poor harvest, the profits of the dairy and the sales of live stock had greatly diminished. Yet labour in harvest time and in the manor house cost three times what it did in 1332.

After the manner of the time it was sought to regulate both prices and wages by an ordinance of 1349, which was confirmed by the Statute of Labourers in 1351. No one, it was thought, had any right to exploit a national disaster for his own profit. It was contrary to mediaeval ethics, just as no one had a right to exploit the need of the individual. To enhance or cut down either prices or wages was immoral, and it was the business of government to look after the morality of the community, so that it fell entirely within its sphere to regulate prices and wages. And not only were the labourers asking the full enhanced value of their work, but in many cases their demands were exorbitant.[3] Accordingly the ordinance and the statute fixed prices and wages at the standard in vogue before the Black Death. Like all legislative efforts to stop the working of economic laws the statute was a failure, as is shown by its repeated amendment; wages continued high, and the labourer's lot greatly improved.

It was further brightened by the fact that the rise in agricultural wages is estimated at 50 per cent., while the price of the labourer's food did not rise in proportion. The price of provisions was little affected, but the price of articles

[1] Thorold Rogers, *Six Centuries of Work and Wages*, p. 231.

[2] Rents of Assize, *reditus assisae*, or rent fixed in amount, paid by free and customary tenants. (Gray, *Eng. Hist. Rev.*, October 1914, p. 631.)

[3] The labourer had another reason for demanding an increase in wages in the fact that the depreciation of the coinage had increased prices.

in whose manufacture human labour is specially necessary, such as tiles, wheels, lead, iron-work, and all agricultural materials, rose greatly, which bore hardly on landowners.

The manorial system, as we have seen, was doomed before the advent of the plague, but that calamity hastened its downfall by giving a great impetus to the growth of wage labour and money payments. By destroying half the population, while leaving the available capital and the medium of exchange as great in amount as ever, the plague hastened the transition from a system of barter to a system of money payments,[1] and though it did not force economic development into new lines it greatly accelerated tendencies already at work.[2] Further, as Knighton says, it caused labour services to be lightened and sometimes wholly excused.[3]

The landowners, owing to the rise in wages and in the price of materials used in agriculture, found the cost of working their demesne lands enormously increased. Before the plague the cost of harvesting upon a certain estate quoted by Thorold Rogers was £3 13*s.* 9*d.*; afterwards it was £12 19*s.* 10*d.* Moreover, the landlords had to receive lower rents, since many tenants could not work their lands at the old rents with prices for labour and implements so much advanced.

No doubt the lords gained considerably from heriots and reliefs during, and immediately after, the pestilence, but this was a small compensation for their increased expenses and was only a temporary advantage.[4] Many villein tenements also came into the lords' hands either upon the death of the tenant without heirs, or because he had abandoned his holding and gone out into the world to work for the high wages now offered. An example of the former is afforded by Cuddington in Bucks., where, in 1350, twelve

[1] Page, *End of Villeinage*, p. 44.

[2] Tawney, *Agrarian Problem*, p. 90.

[3] Thorold Rogers, *Six Centuries of Work and Wages*, p. 227.

[4] A heriot was the payment of the best chattel on the death of a tenant to the lord, still extant on many manors. A relief was paid to the lord by the son before he could succeed to his father's lands.

virgate holders had died and their virgates were in the hands of the lord. Tenements also came into the hands of the lords through the tenants abandoning their holdings owing to extreme poverty or insufficient physical strength to work them and render the labour services, and we therefore find serfs paying head money (*chevagium*), for licence to live outside the manor.

For some time, then, after the pestilence the advantages were on the side of the villein who had commuted his services. He had an open labour market where he was free to sell his labour wherever he liked. The peasants understood this and made a determined and usually successful effort to get the market value of their labour. But in doing so they were throwing away precious rights ; they were severing their connexion with the soil, and while escaping burdens lost certain privileges.

According to Dr. Page there were three main causes of the increase of free labourers :

1. Flight of the villeins from the manors where they were held in bondage, especially after the Black Death. Nor was it an easy matter for the lord to get the fugitive back again, for if he did not capture him within four days he could gain possession of him only by process of law, and the king's courts intentionally made it difficult to reduce such fugitives once more to villeinage. Some took service with the king, or a great noble ; some made their way to chartered towns or to the king's demesne, where residence for a year and a day made them freemen. The ease, therefore, with which a villein could secure his freedom by flight when his lot became unbearable did not fail to have effect on his treatment by his lord.

2. The class of free labourers had been enlarged by manumission, sometimes purchased by the villein ; sometimes the free gift of the lord ; sometimes implied by certain acts of the lord such as granting the villein land to be held freely by him and his heirs, or by producing him as compurgator in the king's court.

3. Villeins attained their liberty by prescription. In

the course of time a class of men grew up on many manors for whom the lord could find no land, and whom he therefore did not employ. To these men it was customary to grant permission to reside off the manor provided they attended the Court Leet once or twice a year and made some small annual payment. These men frequently changed their abode, became lost to the manor, and swelled the ranks of free labour.

On the other hand the lords found the farming of their demesnes very difficult, and therefore in many cases they decided to give up farming altogether and let the demesne lands to tenants—a practice which in some parts had already begun. Their chief source of income hitherto had been from the produce of the arable demesne cultivated by the labour services of the villeins, and by hired labourers ; henceforth their main income was to come from rents. At Forncett the 166 acres of the arable demesne land were leased to two bondmen between 1358 and 1373, and the 30 acres of meadow, with the customary labour of the tenants who mowed the meadow, were farmed to the same two men. All that remained in the lord's possession was some of the buildings in the courtyard, part of the pasture, and the waste. A few of the labour rents for which the lord had no use were sold to one of the farmers of the demesne, while others were employed in repairing demesne buildings and walls, hedging, cutting underwood, and in carrying services. Later, the demesne was let in small parcels for longer terms, and by the end of the fifteenth century it had been granted to divers tenants to hold in fee farm, i. e. at a perpetual fixed rent.[1]

While one effect of the Black Death was the immediate disappearance of a large part of the predial services, there was no increase of burdens on those villeins who survived. On the contrary they seized the opportunity to lighten those they already bore ; and, owing to the disorganization

[1] See also *Victoria County History*, *Suffolk*, i. 642 f. 'Such renting out of the demesne must have played a large part in the break up of the manorial system.'

of the manor, the lords were generally unable to resist their demands. Desertion became very common, the fugitives finding employment in the growing cloth industry, and on the manors of the neighbouring lords who were only too glad to plant them on their deserted land as freemen.[1] The process of commutation went on apace; occasionally the whole body of tenants in villeinage being freed from predial services at the same time, though usually the change was gradual, each villein being permitted to substitute money payments for labour when he was prepared to do so. They were the better enabled to purchase freedom by the rapid development of the money system in England in the generation after the plague. The expulsion of the Jews, the suppression of the Templars, the failure of the Bardi, had opened the way for native Englishmen to engage in money transactions. The spoils of the French war increased the amount of precious metals in England; the new cloth industry promoted the rapid circulation of money in the interior. But the Black Death appears to have given the chief impetus to the money system, for by destroying half the population it doubled the amount per head of the medium of exchange; and the greater fluidity of the surviving population, which has been described, spread the knowledge of the use of money.

There can be no doubt that the pestilence dealt a staggering blow to the old system. Dr. Page examined the records of 55 of the same manors, mentioned above,[2] for the thirty years after the plague, and found that on 10 no predial services were performed; on 13 very few services; on 15 the villeins provided about half the labour needed; and on 17 they performed practically all the work, exclusive of most of the team-work. And on 71 other manors at the same period he found only 5 still cultivated chiefly by villein services; 10 made equal use of villeins and hired labour; on 26 the amount of villein labour was inconsiderable; and on 30 it had been altogether commuted for money payments. Yet, though this great change was taking place in villein

[1] Page, *End of Villeinage*, p. 53. [2] See p. 40.

tenure during the generation after the Black Death, there was no corresponding alteration in villein status. The Villein was still under obligation to remain on the manor, to labour at his lord's bidding, and to surrender his goods on demand. Chevage and merchet were exacted as before. Though the chief purpose for which villeinage had served, viz. that of securing to the lords labour for cultivating the demesne, was now no longer fulfilled by it, the institution was still maintained, for it was not yet apparent that the new conditions were permanent. The lords hoped that the old order might be re-established.

It was no new thing, as we have seen, to let the demesne, but it was now much more frequent, and the land was generally let on a stock and land lease, and, unlike Forncett, to small cultivators for short terms, viz. seven to ten years,[1] though afterwards leases were more generally for twenty-one years or three lives.

The demesnes, too, were generally let with all the rights and perquisites pertaining to them.

But leases at money rents were not unknown, as has been mentioned above. An example is given by Cullum in his history of Hawsted, where in the thirteenth century two acres of arable land were let for six years for 6*s*. In the lease there were no clauses concerning the cultivation of the land. The landlord warrants the two acres to the tenant, or two other acres of equal value, and the tenant agrees to give them up at the expiration of the term freely and peaceably.[2]

[1] Thorold Rogers, *Six Centuries of Work and Wages*, p. 280, and *History of Agriculture and Prices*, i. 24. And see Scrutton, *Commons and Common Fields*, p. 75.

[2] Leases for terms of years begin to appear very soon after the Conquest, but in 1150 they were still uncommon, and it is not till about 1200 that we begin to read much about them. (Pollock and Maitland, *Hist. of Eng. Law*, ii. 110.)

In the days of Henry II tenancies for terms of years seem to have been novelties, and the termor was regarded as one who had no right in the land, and though he could recover possession of the land when ejected by his lessor he could not do so when ejected by any one else, e. g. a purchaser.

The spread of money payments helped to increase the use of the leasehold system, since landlords were thereby enabled to collect their rents more easily.

There is reason to believe that, owing to the many deaths caused by the pestilence, several estates were often concentrated in one hand, but as the country had already for long been used to large estates this was no innovation.

But a contrary tendency was at work, for there was also an increase in the number of small holdings both in tenancies and ownerships, and the class of peasant leaseholders and freeholders [1] multiplied from this time. Customary tenants had been buying and leasing from each other before the plague, but, after it, the death of many holders and the poverty of others caused land to come into the market on a much greater scale and at a cheaper rate. And this increase in small farmers was helped by the fact that such men did all the work on their little holdings, and so were not troubled by the rise in wages. A fresh impetus to their numbers was afforded by the stock and land leases, which enabled a thrifty and enterprising man to start on a farm even if he had no capital himself, gradually to accumulate stock of his own to farm the land with, or even to buy the freehold. In about two generations after this period (about 1350), land let on the stock and land system was generally converted

In the thirteenth century, by the writ *Quare eiecit infra terminum* and a specialized writ of trespass he was enabled to recover possession of the land against all. In the first half of the thirteenth century the termor is often met with, and the sub-lessee is not unknown, yet tenancies for terms of years were even then rare when compared with tenancies for life or in fee. (Pollock and Maitland, *op. cit.*, ii. 36 and 107.)

It was for a long time doubtful whether the actions mentioned above gave the lessor more than a power to recover damages against ejectors, but in the reign of Edward IV it was established that he should therein recover possession of his holding as well. (Williams, *Real Property*, p. 18.)

[1] The early and the modern use of the term freehold and freeholder must be distinguished. The free tenement was opposed to the villein tenement, and the freeholder to the tenant in villeinage. Then the terms began to imply, as they do to-day, that the tenant holds heritably or for life, as distinguished from a term of years, and a tenancy at will. (Pollock and Maitland, *op. cit.*, i. 337.)

into the holding of an ordinary capitalist tenant-farmer; while occupying freeholders, rare in the fourteenth century, became numerous in the next, and were until the beginning of the eighteenth the pride and boast of Englishmen. This increase of the small farmer class must have counteracted the divorce of the peasant from the soil brought about by the numerous desertions and flights of villeins from the land.

The stock and land lease lasted in England until the Reformation, but had generally disappeared before that time except on monastic lands.[1]

The ordinary leases which took their place were at first generally short, for six or ten years, and this was the custom, not for the sake of raising rents at the termination of the lease (for rents until the close of the sixteenth century were singularly invariable), but in order to secure the constant verification of the property. And we shall see that rents during the same period remained low, and it was not until the sixteenth century that attempts at rack-renting began. It is said that long leases were introduced by the monastic houses, who foresaw the dissolution which threatened them, and their example was followed by secular clergy and colleges; which long leases were renewable at fixed periods on payment of a fine, at first of small amount.

Another cause helped to swell the numbers of the more substantial yeomen, and what we may call the smaller gentry. This was the famous Statute of *Quia Emptores*, passed in 1290 to prevent subinfeudation by which lords had been deprived of their feudal dues. Like many laws it had a very unexpected result. After the Act, when land was alienated the alienee was to hold of the alienor's lord and not of the alienor as was the practice before the Act.

Subinfeudation was stopped, and with it the creation of manors, but the alienation of land was promoted. Previously the tenant who alienated the land had to keep in his hands at least so much land as enabled him to fulfil his duties, feudal or other, to his lord; now the alienee

[1] Thorold Rogers, *Six Centuries of Work and Wages*, p. 282.

performed all those duties, and the transfer of land was much simplified, and being simplified it increased in frequency, so that the number of small owners was further increased. Chaucer's Franklin whom he also calls a ' worthi vavasour ', was, doubtless, one of the middle class of landowners ; and his position is described as one of exceeding prosperity.

The plague assisted the tendency of the statute, since many landlords were only too glad to get rid of land which they could not cultivate, and therefore we begin to notice not only the leasing of the demesne but, early in the fifteenth century, an actual transfer of the demesne land to the tenants, which, with the encroachment on the waste, and the aggregation of holdings, helped on the increase of a class of substantial peasant-owners.

Thus was undone the process which had degraded the old English ceorl into the Norman villein.

There was another expedient adopted by the lords to meet the increasing expense of cultivation, which had far-reaching consequences. When they did not let the demesne land they frequently laid it down to grass and grazed sheep on it.

There was strong inducement for them to do this. Englishmen, stimulated by the Flemish weavers, whom Edward III had brought over, were now developing the cloth trade, and there was therefore a growing demand for wool at home. The demand for cloth was increased by the growing multiplicity of clothes which became necessary as the country grew in riches and civilization. There was therefore a good demand for wool, though the price remained stationary, and grazing land needed much less of the dearer labour, so, in many manors, the demesne was turned into grass, and very often, besides, some of the outlying parts of the lord's land were enclosed for the same purpose.

# CHAPTER VII

THE PEASANTS' REVOLT.—ONLY A TEMPORARY CHECK ON THE EMANCIPATION OF THE VILLEIN.—THE EXAMPLE OF STEVENAGE.—COPYHOLDERS

In the latter half of the fourteenth century England was seething with discontent. Disintegrating influences were at work on all sides, and alike in town and country the foundations of the old institutions were being sapped. The lords,[1] at their wits' ends for labourers, fell back on their strict legal rights and sought again to demand predial services wherever they could, which the villeins, now strongly imbued with independent ideas, fiercely resented. All the elements of class hatred were present, and, as usual, one class would not see the point of view of the other. And these smouldering animosities were fanned into a flame by the levelling doctrine of Wicliff and his followers.

The consequence was the Peasants' Revolt of 1381. How far this was a general social revolt and how far an agrarian rising, opinions differ, but it is certain that the discontent of the villeins was an important contributory cause. The main insurrection was confined to the eastern and south-eastern portion of England—Norfolk, Suffolk, Essex, Cambridgeshire, Hertfordshire, Middlesex, Kent, and Sussex, the most prosperous and the most civilized region, a district famous for the number of its freemen ; yet in the forefront of the rebels' demands was placed the abolition of bondage and the commutation of villein services. This would be

[1] William Langland in his *Vision of Piers Plowman* 'paints an ugly enough picture of the doings of some of the lords of the manors and their agents ; but there is no reason to suppose that such oppression and chicanery were more than occasional. And, on the other hand, Langland does not spare the lash in describing the unthrift of the peasants, their self-indulgence, and their love of shirking legitimate toil. His indignation was begotten of the moral deficiencies which he saw in every class, and must be discounted like the indignation of embittered moralists in all ages.' (Innes, *History of the British Nation*, p. 175.)

puzzling if we did not remember that it is seldom from the most downtrodden that revolts arise, and the rising seems to have been a general revolt of the lower classes which the villeins joined in order to attain their freedom; not a freedom from burdens which had become heavier, but from the remnants of their former burdens, to which they submitted with greater impatience now that so many of their class were free from them.

Richard II, under pressure, granted their requests; but when at the head of a large force he marched through Kent and Essex, 'Villeins you were,' he cried, 'and villeins you are. In bondage you shall abide, and that not your old bondage but worse.' And doubtless for a brief time the fetters of the serf were riveted tighter, but the economic forces at work were too strong to be more than temporarily checked, the commutation of services soon went on as before, and in a century from the date of the Revolt they were practically, and in two centuries almost entirely, extinct. The Peasants' Revolt, in fact, made very little difference in the history of the gradual emancipation of the villein; wages and rents were much more convenient for landlords, farmers, and labourers than fixed labour services, so wages and rents eventually carried the day and the break-up of the manorial system went steadily on.

But we must not imagine that agricultural conditions were wholly altered in the fourteenth and fifteenth centuries. No such complete alteration took place until comparatively modern times. 'The main features', says Professor Innes, 'continued the same. The unit was still the manor with its arable land divided into acre strips; allotted partly to the demesne and partly to the tenant, with demesne land still scattered among the tenants' strips. The meadow land was still used in common, and the waste land beyond was still common. The arable land was still worked by joint labour. Services almost disappeared, and the occupier for the most part had security of tenure at a quit rent, while most of the old free tenants had probably become actual freeholders. The individual man had become a freeman in the eye of the

law not a bondman, but the practical conditions under which the land gave its produce remained effectively the same.'[1] The shell of the manor remained as yet, the essence of it—villein services—disappeared ; and the system of common cultivation as practised by the early village community, which had preceded the manor, was also beginning to disappear. A good illustration of the changes effected in the fourteenth century is afforded by the manor of Stevenage in Hertfordshire.[2] In the first half of the fourteenth century there were thereon fourteen virgates of customary land which were divided into half virgate holdings and let by villein tenure to twenty-eight tenants. In addition to this land there were four small villein holdings known as cotlands. In the year 1334 the bailiff cultivated 325 acres of the demesne, and for this he employed by the year four ploughmen, a carter, and several men to take charge of the live stock on the manor, giving them rations of grain and meat, and to each a small sum of money. The tenants in villeinage owed altogether 3,231 opera, or days' work, and these sufficed to carry out all the agricultural operations except the team work, which was discharged by men maintained by the year. Hired labour was used for threshing, paid for out of sums collected from villeins who refused to come to work. This arrangement remained unchanged till 1349, the second year of the plague, when $6\frac{1}{4}$ virgates of villein land became tenantless by reason of the pestilence. That year only 300 acres of the demesne were sown, but in autumn, as the customary labour had fallen off by more than one-third and hired labour could not be had in sufficient quantity, a part of the corn had to be left uncut in the fields.

In 1352 only 219 acres of the demesne were sown, for $7\frac{1}{2}$ virgates and 3 cotlands were unoccupied. In 1357 $9\frac{1}{2}$ virgates had become vacant partly from the death, partly from the desertion, of the villeins, but as a portion of the land had been let at a money rent, the bailiff was able to cultivate 245 acres of the demesne, using the rents received from the

[1] *Industrial England*, p. 96. [2] Page, *End of Villeinage*, pp. 72 f.

tenants to pay for the additional hired labour required. By 1360 only four virgates were held by men who performed the old labour services; in 1373 the number was reduced to three; in 1377 to two; and in 1386 all the customary land had been let at a money rent, so that the bailiff had to hire labour for carrying out all the work necessary on the 230 acres he cultivated that year. After this date there is no sign of predial services being rendered by villeins on this manor.

The above is a rather early example of the disappearance of villeinage, but, where services remained, a general lightening of them seems to have taken place in the latter half of the fourteenth century and in the first half of the fifteenth; the chief cause which brought this about being the constant threat of desertion or flight from the manor by the villeins.

So it came about that after 1450 it was exceptional to find a demesne still cultivated by the compulsory labour of villeins. In many places traces of predial services survived to a much later date, but for the country at large the old system of manorial agriculture was completely and permanently broken down. With the completion of the transition from predial services to money rents tenure in villeinage may be said to have come to an end. Some of the old incidents of it, such as fines on alienation, inability of the tenant to cut and sell trees, and the payment of heriots, exist to this day on manors that survive, but the essence of villein tenure had consisted in the uncertainty of the tenants' services, and when these were commuted for a fixed money payment the uncertainty passed away. The tenure gradually became known by a new name. Before the disorganization caused by the Black Death villeins were said to hold 'in villeinage' or 'in bondage' according to the custom of the manor, and the custom of the manor was established by the testimony of the men of the manor who always lived there and knew the custom. But after the pestilence the population became more fluid: there was much movement in the disorder of those troubled times, so that such testimony ceased to be adequate.

It now became usual therefore to appeal for evidence of title, and of services due by reason of it, to the roll of the manor court. A copy of the entry on the court roll became the title to customary land, and the tenant was said to hold by copy of court roll, or by copy. The villein had become a copyholder.[1] He was still also said to hold 'according to the custom of the manor', but the custom of the manor was now fixed by the change from labour services to money rents and could be determined by an appeal to the manorial records instead of to tradition. Further, tenants were said to hold 'at the will of the lord', but whereas in the thirteenth century the 'will of the lord' was exercised only 'according to the custom of the manor', now that custom was broken down they held more strictly at the will of the lord. At first there was little danger to the villein in this, for the lords found it difficult to let their land on advantageous terms, but by the middle of the fifteenth century sheep farming had come in and the period of enclosures had begun. The tables were turned on the tenants; the lords often welcomed their departure since it gave them the opportunity to enclose their holdings for grass or for convertible husbandry. The 'will of the lord' might now mean the eviction of the tenant, though we shall see that owing to the protection of the king's courts, which customary tenants probably began to obtain in the middle of the fifteenth century,[2] the eviction of copyholders during what may be called the agricultural revolution was not so frequent as it might have been without this protection. Villein status lingered on longer than villein tenure, and traces of it are found well on in the sixteenth century, but with the gradual decay of the judicial powers of the manorial lords, and the transfer of those powers by Parliament to the Justices of the Peace, the lords lost the means by which they held the villeins to the performance of their duties. They were able to evict tenants from land

[1] At Forncett, by 1400, both the tenements of the sokemen and of the villeins had become copyhold. (Davenport, *op. cit.*, p. 69.)

[2] For a discussion of this much-debated point see Tawney, *op. cit.*, p. 287.

they coveted but less and less able to hold them in an obsolete personal subjection.

In the fifteenth century the passion for acquiring land, largely stimulated by successful trade, led to the purchase of copyholds by persons of good means and position, a practice which considerably raised such tenures in social value. Apparently they purchased or extinguished the baser part of the tenure.[1]

Moreover, customary tenures could be transferred easily and cheaply by surrender and admission in the manor court —an advantage which contributed greatly to the break-up of manorial arrangements and the accumulation of properties.[2] Thus, it will be seen, there was a general upward movement in the position of customary tenants. A serf on the manor of Castle Combe in 1435 is said to have left at his death chattels worth £2,000—a very large sum in our money. A bondman in Lincolnshire marries into a knight's family, and bond tenants are found farming estates of several hundred acres. But these were exceptional cases ; the typical customary holding was still small, not more than from two to fifteen acres.[3]

[1] Thorold Rogers, *Six Centuries of Work and Wages*, p. 288.
[2] Hasbach, *History of the English Agricultural Labourer*, p. 72.
[3] Tawney, *Agrarian Problem in the Sixteenth Century*, p. 100.

# CHAPTER VIII

## TUDOR ENCLOSURES

DEVELOPMENT OF SHEEP FARMING. — ENCLOSURE NOT CONFINED TO LARGE LANDOWNERS. — THE SIXTEENTH CENTURY TRANSITIONAL.—ITS CHARACTERISTICS.—THE WOOLLEN INDUSTRY.—GENERAL PROSPERITY.—'LEASE-MONGERS'

The Black Death was, as we have noticed, mainly responsible for the beginning of a great revolution in English agriculture, the development of sheep farming, which was made profitable by the simultaneous development of the cloth-making industry in England, and this development of sheep farming was one of the main factors in the substitution of enclosed fields for the old open fields, and of individual for communal working of the land, though it should never be forgotten that enclosure was really rendered inevitable by the progress of agriculture.

The old common field system was only suited for a primitive state of society and was bound to disappear with the advance of civilization. It was extremely wasteful; the scattering of the strips all over the open fields led to an astonishing waste of time, and confusion: the pace of the common work was set by the worst farmer; therefore, no individual initiative or enterprise was possible; the crops grown were scanty in the extreme; much of the land was worn out by constant ploughing without manuring; the live stock on the common pastures was miserably small, and continually afflicted by disease. Hitherto subsistence farming had prevailed,[1] but commercial farming was beginning.

[1] In 1517 in Berkshire the average number of acres to a messuage (ordinary farm-house) was 44, and, apparently, to a manor-house, 208. In Bucks. the average number of acres to a cottage was about 7. (Savine, *Domesday of Enclosures*, i. 553, 558, 623.)

In previous centuries, as long as the farmer had enough to eat and drink and clothe himself and his family with he wanted little else ; now, more and more he aims to make money. The spirit of the Middle Ages had changed ; the mercantile class was only beginning to have a separate existence under Edward I, but it developed during the fourteenth century, and became very prominent in the fifteenth. The pursuit of personal gain grew among traders, and extended to farmers and landowners. The landowners had been content if their land brought them enough to maintain a powerful body of retainers and fighting men ; now they desired to accumulate wealth.

Immediately after the Black Death arable land was laid down to grass for sheep because of the dearness and scarcity of labour ; then, as wool paid, the more enterprising landowners turned arable land into grass even when they had labour to work it ; and by the time of Henry VII the commercial spirit had thoroughly seized them and there was a great increase in sheep farming.

The inevitable result of this was that fewer men were needed on the demesne lands, for arable land as a rule employs four or five times as many hands as grazing land, so the ploughmen and other workers on the demesne were dismissed, and their place taken by a shepherd or two. The labourer who worked entirely for wages was turned off, as well as the cottar who had lived partly on wages, partly on the produce of his few acres, for the latter now found himself deprived of the means of earning wages. But besides the demesne lands, which were consolidated round the manor house in a kind of home farm, there were still portions of demesne scattered among the strips in the open fields among those of the tenants. In their passion for enclosing, unjust lords could bring pressure to bear on the tenants of intervening strips, and sometimes would oust them from their land.[1] Then there was the common land or waste : how far the lords enclosed this it is not easy to determine. The Statute

[1] It is not unlikely that the holdings of many villeins, vacant through death from the plague, were added by the lords to the demesne.

of Merton of 1236 either created or confirmed [1] the right of the lords to enclose the common or waste provided they left a sufficiency for the tenants, but the word 'sufficiency' would no doubt be construed in different ways. However, the question of what was sufficient had to be answered by a jury representing expert knowledge as to local customs and the agrarian usages of the township, so that the tenants were not so much at the lords' mercy in this respect as has been often asserted.[2] On the other hand, there is the testimony of Fitzherbert that in the early part of the sixteenth century 'the lords have enclosed a great part of their waste grounds and straitened their tenants of their commons therein'. 'A proof', says Scrutton, 'that the "will of the lord" had by then become stronger than "the custom of the manor".' [3]

Contrary to the popular idea that enclosure was wholly a landlord's movement, modern investigation has clearly discovered that there was a distinct effort on the part of the peasantry, beginning as early as the fourteenth, and continuing in the fifteenth and sixteenth centuries, to abandon the open-field system and escape compulsory co-operation with the lazy and shiftless. It usually took the form of individual enclosures of strips in the common fields, and sporadic encroachments on the common pasture or waste; though there were instances of a formal agreement on the part of townships to abandon the old system and

[1] See Scrutton, *Commons and Common Fields*, p. 66, who says that the general current of modern judicial decisions is to hold that the common law, before the Statute of Merton, did allow the lord to approve if he left sufficient pasture for the tenants; but the point is still uncertain.

[2] Tawney, op. cit., p. 248.

[3] However, this was complained of many years before Fitzherbert. The Assize Rolls of Staffordshire are full of cases in which the tenant brings an action against the lord for encroachment on the pasture. See *Victoria County Hist., Staffs*, i. 284, and William Salt, *Arch. Collect.*, vi. (1), 50. It is worth while noting that the Statute of Merton, which was really the first Enclosure Act, gave no rights of protest to the villeins or to the inhabitants generally, only to the freeholders, so that much arbitrary enclosure no doubt took place against which no one could protest.

adopt the new one of compact enclosed holdings. And these methods are to be contrasted with the enclosures of the manorial authorities at the same time, which were on a large scale, and generally for conversion of arable into pasture, whereas the smaller men generally continued arable farming after enclosure. In the sixteenth century enclosure by the tenants was, according to Mr. Tawney, more generally of the pasture and meadows than of the arable strips, though there was a constant tendency to gather these into compact blocks, and even on the demesne the agent, through whom enclosure was usually carried out, was the large farmer to whom the demesne had been let.[1] And it is to be noticed that there was no compulsion on the customary tenants, or on the leaseholders of the demesne, to make them enclose ; theirs was a purely spontaneous movement prompted by a desire to escape obsolete restrictions. There was also another motive—the need of self-protection. The growth of large grazing farms, and the consequent over-stocking of the commons, led the small men to enclose as the only way to keep some of the pasture for their own use ; for not only had they to feed their working oxen, but also their sheep, as many customary tenants were sheep farmers also on a considerable scale, and many now kept horses and cows in larger quantities than before.

Some townships had by this time hedged in a part of their arable fields while leaving the remainder open—a piecemeal method of enclosure which seems to have been an experiment conducted by men who would not yet risk the complete abandonment of open fields.

Elsewhere innovation took the form of a multiplicity of fields which, apparently, were not tilled in accordance with a two- or a three-field arrangement. And still other townships remained true to the regular custom, but subdivided two fields into four of which three were tilled annually.

[1] Tawney, *Agrarian Problem*, p. 217. In 1405 some customary tenants at Forncett are fined 2*s*. 2*d*. because ' they have made enclosures of the land against the custom of the manor on account of which action the tenants of the manor are not able to have their common there '.

All these were marks of progress, each in its way seeking the ultimate goal—a goal involving consolidation of parcels, enclosure of holdings, abandonment of fallow, and the employment of convertible husbandry. In Oxfordshire 53 per cent. of the county in 1750 consisted of old enclosures. These had been effected by agreement, by direct enclosure from the forest, and by early enclosure in river valleys of lands obviously suited to enclosed pasture.[1]

Another cause of enclosing was the desire of the rich, many of whom had made fortunes in trade, for country estates. No less than thirty-four townships in Oxfordshire were enclosed, chiefly in the sixteenth century, for residential estates.

Even with regard to the rest of the county, viz. that part enclosed after 1750 by Acts of Parliament, there is before that date considerable change of field systems in the direction of improved farming. Many townships had adopted a four-field system with a four-course rotation of crops e. g. (1) fallow ; (2) wheat ; (3) beans ; (4) barley or oats. These divisions were often called ' quarters ', and the number of quarters was continually increasing, while the disintegration of the old system was shown by a bewildering number of field names in which fields, quarters, furlongs, and nondescript patches were indiscriminately mingled.

At Kidlington, Oxfordshire, in 1815, the allotments lay in nine fields, four furlongs, and six miscellaneous areas.

As early as 1756–61 we find at Great Tew, Oxfordshire (enclosed in 1761), an eight-course rotation : (1) turnips ; (2) barley with grass seeds ; (3) hay ; (4) sheep walk ; (5) oats ; (6) fallow ; (7) wheat ; (8) peas. Though this is unusual, the four-course rotation being prevalent in the county about 1750, it is mentioned by Robert Plot in 1677 and in several of the Glebe Terriers in the Bodleian Library in the first half of the seventeenth century.[2]

The sixteenth century [3] was the transitional century from

[1] Gray, op. cit., p. 114. [2] Gray, op. cit., p. 133.

[3] The sixteenth century is here used in a large sense and includes the latter part of the fifteenth.

the Middle Ages to modern times ; and in England the first half of it appears to have been one of widespread suffering on the part of large sections of the common people. The contemporary literature reflects ' the manifold complayntes of men touching the decaie of this Commonwealth and Realme of England ', and another writer says, ' England hath been famous throughout all Christendom by the name of " Merrie England " but covetous inclosures have taken the joy and mirth away so that it may now be called " sighing and sorrowful England ".'

Some of these complaints are merely those of pessimists common to all ages, but much of the contemporary testimony is not thus to be accounted for. That of men like Sir Thomas More, Hugh Latimer, John Hales, Robert Crowley, and others must carry conviction. And the people themselves gave a proof of their discontent by frequent revolts, while Parliament was continually trying to cure the evils of the body politic. Although wealth was increasing, many of the poor were becoming more and more miserable. This period of great changes which witnessed the Renaissance, the Reformation with its dissolution of monasteries, the decay of the feudal nobility, and the dispersion of their great bands of retainers, the growth of absolute monarchy, the suppression of the gilds, the increasing prosperity of many, and the expansion of commerce, was marked—as other transition periods have been—by the extreme wretchedness of large numbers of the people.

Distress was prevalent in many of the towns, but it was more serious in the rural districts, for the framework in which the lives of the country people was set was being broken up. Notwithstanding the shocks to mediaeval society following on the Black Death and other events of the fourteenth and fifteenth centuries, the social organization was in the main unaltered. The great mass of the people was connected with the soil and their life was largely common and co-operative, and, moreover, directed by custom. Men were still members of a group and there was little individualism ; they were shut in on every side and their movements

regulated for what was thought to be the common good. In the rural village the cropping, the times of harvest, the treatment of cattle was the same for all, and directed by the community. The proximity of the houses in the village,[1] their separation from other settlements, the assembly in the manor court, made the village a closely knit body which has no equivalent to-day. This framework was in the sixteenth century either destroyed or largely modified. Instead of corporate effort came much larger individual freedom ; a large number of people were separated from the land, and contract and law superseded status and custom.[2] And it was the incapacity of large numbers of the people to conform to changing conditions that made the times so hard for them ; an experience to be repeated in England during the Industrial Revolution of the eighteenth and nineteenth centuries.

And as the competitive system spread people began to discover that under it the weakest went to the wall. In feudalism, at all events, there were no such fluctuations as in commercialism ; and what social failures there were had generally been relieved by the religious houses which covered the land, but these, too, were now gone.

The rise in prices which followed from the depreciation of the coinage by Henry VIII and Edward VI, and the great influx of precious metals from Spanish America, pressed most hardly on the poor. We are able from a distance to see these things more clearly than contemporaries, and assign to each cause its due influence on the distress of the time. But the men of that day had not our advantage, and some named one cause and some another ; but most argued that enclosure was the chief evil.

With the efficient government of Elizabeth and her able ministers, the turning-point was reached, and the rural community entered upon an era of prosperity. ' With the reign of Elizabeth ', says Professor Cunningham, ' we enter

[1] This does not apply to the districts of England where Celtic influence was seen in scattered homesteads.

[2] Cheyney, *Social Changes in England in the Sixteenth Century*, p. 21.

on the modern era of our history. Englishmen had attained at last to a full consciousness of national unity and showed a resolute determination in pursuing the new national mission. Hence we cannot but feel that the men of that era lived and moved on the same plane of thought as ourselves. While the partisans of the White Rose or the Red, and the heroes of the Hundred Years' War seem strangely far away, the political designs of such men as Burleigh, or Gresham, or Raleigh come home to us at once.' The mediaeval organization of society with its municipal gilds and the manorial system of farming had broken down; national control took the place of local control, and the central government now regulated the resources of the country, the extension of trade, and the welfare of the people. Commercial business, after the great age of discovery, expanded all over the world, and England took her full share in the movement under the benevolent despotism of the Government. The coinage was restored, a definite commercial policy was adopted in which foreign traders were discouraged and English merchants favoured, the import of manufactured goods was checked, while the export of raw material and of English sheep[1] was narrowly restricted though long wool was still freely imported. The expansion of commerce reacted on industry and industrial pursuits were reconstituted on a large scale and came, therefore, more and more under the direction of capitalists. Enclosure and consolidation have often been ascribed to the greed of the landlords; sometimes no doubt they were due to this cause, but it is much truer to say they were merely another manifestation of the new spirit which revolutionized industry.

Until the beginning of the seventeenth century the produce of wool chiefly occupied the attention of the landed interest, it was the chief source of trade, and of the revenues of the Crown. During the Tudor period it was exported in three shapes:[2] as raw material, as partly manufactured

[1] 8 Eliz., c. 3. 'An Acte against carryinge over sea rammes, lambes, and other shepe alyve.'

[2] Prothero, *English Farming Past and Present*, pp. 59, 79 ff.

goods such as worsteds,[1] and as wholly manufactured broadcloth. In long wool England had almost a monopoly of the markets and this formed the bulk of our export of raw materials. Short wool used for broadcloth had to face fierce competition in foreign markets, and indeed at home, with French and Flemish manufacturers. And there was a growing demand at home for worsted and cloth goods. The cloth trade received a great impetus from the Flemish exiles who came to England after 1561, and the export trade grew rapidly.[2] About 1578 Englishmen had succeeded in getting the business of exporting cloth to Germany out of the hands of the Hanse League.

Consequently the wool grower was very prosperous. But prosperity was not confined to him, for the prices of all agricultural produce after 1540 rose steadily. Population was growing, there was a higher standard of living, and greatly increased consumption of what the farmer had to sell. Of the prosperity of the time there are many accounts. The growing wealth of the landowners and the greater security of the country was, as we know, proved by the erection of numbers of the most beautiful houses which have ever adorned our country, built not of timber, as most houses had previously been built, but of brick and stone, and they were furnished with 'great provision of tapistrie, Turkie work, pewter, brasse, fine linen, and costly cupboards of plate', while the old-fashioned simple diet had given way to elaborate and varied meals.

The yeomen (and the term at this date included farming-owners, leaseholders, and copyholders) shared in the general wealth. No doubt the better returns now to be made out

[1] In 1494 the merchant adventurers carried large quantities of undyed and undressed cloth to Antwerp. Cunningham, *Growth of Industry and Commerce*, ii. 224.

[2] Mr. Tawney, op. cit., p. 196, quotes Schanz's figures showing that while the export of unmanufactured wool fell off in the sixteenth century, that of grey cloth grew enormously. In 1354 the export was 4,774 pieces; from 1509 to 1523 it averaged 84,789 pieces a year; and in 1554 the total manufacture was estimated at 160,000 pieces of cloth and 250,000 pieces of hosiery.

of the land stimulated better farming.[1] Dymock, writing in 1650, says that in Elizabeth's days good husbandry began, and farmers, according to Harrison, 'live wealthilie, keepe goode houses, and travell to get riches.' Their houses were furnished with 'costlie furniture', their cupboards were garnished with plate, their beds with tapestry, and their tables with fine carpets and napery. And though the lords were said to be rapacious in raising the rents, yet 'will the farmer thinke his gaines very small toward the end of his term if he have not six or seven years' rent lieing by him therewith to purchase a new lease beside a fair garnishe of pewter on his cupboard, three or four feather beds, so many coverlids, and carpets of tapistrie, a silver salt, a bowle for wine, and a dozyen of spoones to furnish up the sute'.

But these pictures were only true of the larger and more prosperous yeomen; the small ones still lived hard, their houses were mere hovels, their food coarse, their clothing of the roughest, their habits dirty and unhealthy. As for the agricultural labourer there is no reason to think that he failed to share in the general improvement. Many no doubt had been driven from the land by the creation of great grazing farms, but for those who remained better tillage meant more work, while the spread of the cloth trade enabled many a peasant family to eke out its scanty income by spinning and weaving. And most of them had a few acres of land to work on when not engaged by the farmer. Indeed, with many, work for the farmer was in the nature of a by-employment, subsidiary to the work on their own holdings.

The trading classes began to press more and more hardly

[1] It is very difficult to say when the common cultivation of the fields ceased in England; but Dr. Slater thinks its general abandonment commenced in the early part of the sixteenth century, though there are much earlier instances of individual ploughing. The substitution of individual for common cultivation long before enclosure is very significant. In the old open fields common cultivation must have been the most convenient method as it obviated the perpetual crossing of other people's strips by the teams of different individuals at different times which was bound to occur when co-aration was given up.

on the landed gentry and to buy their estates from them. In the two centuries after the Reformation there was a great displacement of the old county families, many of whom seem to have been unable to retain their hold on the land and were bought out by the wealthier of the middle classes. The movement begun by the scattering of great estates during the Wars of the Roses was continued. The evidence for this is widespread. Fynes Morison, in a well-known passage written in 1617, says that ' Englishmen doe daily sell their patrimonies, and the buyers are for the most part citizens and vulgar men '. Sir Simon Degge, in 1669, stated that in the previous sixty years half the land in Staffordshire had passed into the hands of new men. The visitations of the heralds at this period afford additional testimony to the manner in which old families disappeared.

And not only were the gentry selling their estates to men successful in trade but merchants and handicraftsmen were becoming farmers. One of the most common complaints of the time was concerning their intrusion into agriculture.[1] A petition to Henry VIII in 1514 attributes much of the evil of the time to this cause.

Which misusages, and the inconveniences thereof, hath not only be begon reysen by divers gentilmen of the same your Realme but also by diverse and manye Merchauntes adventurers, Clothmakers, Goldsmythis, Bochers (butchers), Tannars, and other Artificers, and unreasonable covitous persones, whiche doth encroche daily many ffermes more than they can be able to occupye or maynteigne with Tilth for Corne as hath been used in tymes past.

Loke at the marchauntes of London, and ye shall se, when as by their honest vocation, and trade of marchandize God hath endowed them with great abundance of ryches, then can they not be content with the prosperous welth of that vocacion to satisfy themselves, and to help other, but their riches must abrode in the countrey to bie fermes out of the handes of worshipfull gentlemen, honest yeomen, and pore laboring husbandes.[2]

[1] Cheyney, *Social Changes*, p. 54.

[2] Cheyney, op. cit., p. 51, quoting Thomas Lever, *A Sermon made in the Shroudes in Powles*, 1550, Arber reprint, p. 29.

Men thought then that each class should keep to its own occupation, and even the taking of farms into their own hands by the landlords was resented although they were merely reverting to the custom of earlier times when it had been approved by every one.

Much more justifiable exception was taken to the appearance of another class, that of the speculating middlemen, who made a business of buying up leases without the intention of becoming owners or occupiers; but to let the farms out again at an advanced rate, making their own profit out of the difference between what they paid to the landlord and what they exacted from the tenant. The pernicious influence of this class of men, well known at many periods in agricultural history, in raising rents and fines in the sixteenth century, has not received the attention it deserves. They were, deservedly, the object of severe denunciation. These 'leasemongers', said Thomas Lever,[1]

make the tenants to pay so muche, and the landlord to take so little, that neither of them is wel able to kepe house. I heare say that within a few miles of London an honest gentleman did let his ground by lease unto pore honest men after 2*s.* 4*d.* an acar; then cometh a lesemounger, a thefe, an extorcioner, deceivyng ye tenants, bieth theyr leases, put therin from the groundes, and causeth them yat have it at hym nowe to paye after 9*s.*, or as I harde saye, 19*s.*, but I am ashamed to nam so muche. How be it, covetous extorcioners be ashamed of no dede be it never so evyll.

It was a wholly new and disagreeable experience for the slow-witted peasant, or small farmer or landlord, to be confronted by shrewd, pushing business men from the cities whose hustling commercial ideas confounded and upset habits founded on tradition and custom.

A new conception of landownership was now arising in contrast to the feudal notion; the title to it was no longer derived from grants of kings or lords in return for services. Land was now being bought and sold like any other commodity in the market and was therefore to be owned and used as any other marketable commodity. The cultivation

[1] op. cit., p. 129.

of the soil, the renting of the land, and the ownership of the land were all being commercialized.

The chief features in the agrarian problem of the sixteenth century are well summed up by Mr. Tawney.[1] 'The economist', he says, 'can watch the reaction of growing markets on the methods of subsistence farming, the development of competitive rents, the building up of the great estate, and the appearance, or at any rate the extension of, the tripartite division into landlord, capitalist farmer, and landless agricultural labourer, the peculiar feature which has been given so much eulogy in the eighteenth century, and so much criticism in our own.'

'From a legal point of view the great feature of the period is the struggle between copyhold and leasehold, and the ground gained by the latter. Before the century begins leases for years, though common enough on the demesne lands and on lands taken from the waste, are the exception on the lands of the customary tenants. When the century closes leasehold has won many obstinately resisted triumphs, much land that was formerly held by copy of court roll is held by lease, and copyhold tenure itself, through the weakening of manorial custom, has partly changed its character. The copyholders, though still a very numerous and important class, are already one against which the course of events has visibly begun to turn.' From the records of 118 manors in the reigns of Henry VIII, Edward VI, and Elizabeth it appears that customary tenants (which term includes copyholders and tenants at will) formed nearly two-thirds of the landholding population, a little less than one-fifth were freeholders, and about an eighth were leaseholders.

And lastly, in the sixteenth century the politician can see two conflicting views of the basis of wealth: one, the old one, measuring it by the number of tenants able to do service; the other testing it by the maximum pecuniary returns to be obtained from each estate.

The large farmer, who on many manors is found managing

[1] op. cit., p. 1.

the demesne, is 'much the most striking character in the rural development of the sixteenth century. His fortunes wax while those of the peasantry wane. Gradually he thrusts them, first copyholders and then yeomen, into the background, and becomes in time the parent of a mighty line which later ages will look upon as the representative of all that is solid and unchanging in the English social order', for it appears from contemporary writers and manorial records that consolidation as well as enclosure were quite common early in the fifteenth century so that a foundation was being laid for the big farms of succeeding times.[1]

[1] Mr. Leadam, *Domesday of Enclosure*, i. 23, distinguishes between engrossing and consolidation. An engrosser was one who enclosed two or more holdings whether in the same place or in different places, but did not lay them together as a consolidator did.

# CHAPTER IX

COMMONS.—THE DIFFERENT KINDS OF ENCLOSURE.—THE DIFFERENT METHODS OF ENCLOSING.—PROGRESS OF ENCLOSURE.—LEGISLATION AGAINST IT.—CONTEMPORARY WRITERS.

Before, however, proceeding with the history of enclosure let us enumerate the different kinds of enclosure and the various means by which it was brought about.

And in order to understand the history of enclosure some knowledge of the law and history of commons is necessary.

We must clearly distinguish between the popular conception of the term ' common ' and its early nature.

The common is now comparatively rare, but until the break up of the old agricultural system the common and the rights of common were among the usual, and, in most places necessary, circumstances of a village or a manor. Its existence now is taken as denoting the claims of the public against those holding the land and engaged in its cultivation. This differs widely from the old conception of it.

Formerly it was a necessary condition to the proper management of land and an essential part of the then prevailing agricultural system, and implied common exclusiveness rather than common enjoyment since it was for the benefit of the commoners who had rights, only, and they jealously guarded these rights against others.

The legal definition of common is ' a right which one or more persons have to take or use some portion of that which another's soil produces ' or,' as Blackstone says, ' common is a profit which a man hath in the land of another, as to pasture beasts thereon, to catch fish, to dig turf, to cut wood, or the like.' [1] It is a right to part of the profits of the soil, the right to the soil itself lying with another and not with the person who claims right of common. In early times the soil itself nearly always belonged to the lord of the manor.

[1] *Commentaries*, ii. 32.

The three kinds of common which concern us are common of pasture, common of estovers, and common of turbary; by far the most important being common of pasture.[1]

1. Common of pasture is classified as either (*a*) common appendant; (*b*) common appurtenant; (*c*) common in gross; (*d*) common because of vicinage.

(*a*) Common appendant was the right in the freehold tenants of the arable land of the manor, which existed independently of grant or prescription, to put upon the wastes of the manor (usually called commons) their commonable beasts, that is such beasts as were necessary for the ploughing of the land or for its manuring, viz. horses and oxen, cows, and sheep; but, says Blackstone, swine, goats, geese, and the like are not commonable, although in respect of swine there may be a right of pannage.

This right was universally assumed in the case of all original manors, that is, those created before the Statute of *Quia Emptores*, and was held to be a necessary part of their tenure. It was held to attach to arable land only. 'When claimed, as it subsequently was, as appendant to a cottage or tenement, the claim was only allowed on the presumption that the possession of such cottage betokened, or had betokened, the possession of a yard land.'

This separation of common from the land and its attachment to houses was a mark of the decadence of the early and strict common-field system.

The number of beasts which a commoner could put on the common was restricted to the number he could maintain in the winter on his homestead, or, as it was termed, the number of beasts *levant* and *couchant* on his enclosed land.

(*b*) Common appurtenant originates from no connexion of tenure, but by grant or prescription and includes copyhold tenures of the manor as well as freehold, and applies to manors created after the Statute of *Quia Emptores*. Also, it extends to beasts other than those engaged in agriculture, including swine, goats, and geese.

It was either for a number limited by those *levant* and

[1] Gonner, op. cit., p. 8.

*couchant* or a definite fixed number, and when the grant was made for a definite number it could be attached to a house without land.

The origin in grant or prescription, the greater latitude as to numbers, the partial severance from the land 'open the way to the more complete severance of later times, to the grant to strangers wholly without land in the manor, and to the emergence of common in gross.'[1] Which 'is neither appendant nor appurtenant to land but is annexed to a man's person'.[2]

(*c*) Further, the fixing of the number of beasts led to the use of the common for beasts that did not belong to those who possessed the right of common, a very wide departure from the original principle of the system.

(*d*) 'Common because of vicinage, or neighbourhood,' says Blackstone, 'is where the inhabitants of two townships which lie contiguous to each other have usually intercommoned with one another; the beasts of the one straying naturally into the adjoining wastes of the other without any molestation from either. This, indeed, is only a permissive right intended to excuse what in strictness is a trespass in both and to prevent a multiplicity of suits.'

In close connexion with this, and substantially of the same kind is the right described as 'common of shack', the right which we have already mentioned of the tenants to graze on the meadows after the hay was cut, and on the arable fields after harvest.

2. Common of estovers (from *estoffer*, to furnish) was the right to take wood from the waste or woods of the manor, and was of three kinds: (*a*) Plowbote, the privilege of taking timber or other wood for the repair of carts, ploughs, and other implements. (*b*) Hedgebote, the right to take wood needed for the repair of gates or fencing. (*c*) Housebote, which was of two kinds: (1) the right to timber for repairing the tenement; (2) the right to take toppings and clippings for fuel, the loss of which on enclosure was bitterly resented.

[1] Gonner, op. cit., p. 11.

[2] Stephen, *Commentaries on the Laws of England*, i. 599 (12th edition).

3. Common of turbary, the right to dig or cut turf and peat on another man's ground for fuel.

Both common of estovers and common of turbary were limited as to time, place where they could be taken, and the quantity to be taken, which was to be reasonable; and both came to be restricted to a fixed quantity and so able to be separated from a tenement and therefore held as common in gross.

Such were the main common rights[1] which affected the village society both in its work and in its life, which supplied the means for the cultivation of the soil, and helped to feed, clothe, house, and warm the dwellers on it.

The extinction of these common rights could be brought about (*a*) by the ordinary process of the law without any exceptional action on the part of any of the parties concerned, and (*b*) by the action of the parties.[2]

(*a*) Through the ordinary process of the law:

1. By unity of possession where the land over which common is exercised and the right of common come into the same hands so that the right of common necessarily ceases.
2. Severance of the rights of common attached to a tenement from that tenement.
3. Release by the commoner.
4. Disuse.
5. Destruction of the commoner's estate.
6. Destruction of the product which was the subject of common.

(*b*) Through the action of the parties by enclosure which consisted, in general, in supplanting champion, or champaign, or common land by several land, and involved the closing of the land against all rights save those of the indi-

[1] There is also the so-called 'common in the soil', which consists of the right of digging for coals, minerals, stones, sand, gravel, and the like. Such rights are very frequently claimed both by freeholders and copyholders, and are, within limits, undoubtedly legal. Stephen, *Commentaries*, i. 268 (16th edition).

[2] See Gonner, op. cit., p. 43 f.; and Slater, *English Peasantry and Enclosure of Common Fields*, p. 6; Stephen, op. cit. i. 299.

vidual owner. And this leads us to consider the several kinds of enclosures, and the different methods of enclosing.

First as to the several kinds of enclosures.

1. Enclosure might take place as a part of the common field system ; that is, it was not subversive of it but essential to its effective working ; it was necessary as farming improved.

(*a*) Such were the common closes mentioned by Fitzherbert which were portions enclosed from time to time from the common fields and used in common not in severalty. They were allotted to the use of different kinds of stock and mark the growing importance of live stock as distinct from arable. ' Sometimes,' says Fitzherbert, ' there is commonly a common close taken in out of the common fields by tenants of the same towne, in the which close every man is stinted and set to a certaintie how many beasts he shall have in the same.' One of the reasons for this was the poverty of the common pasture, which Fitzherbert says was so marked that the working oxen could not be kept unless the farmer possessed meadow in severalty to give them additional food. Another benefit derived from common closes was shelter for being generally ' well quick setted and hedged ' they kept the cold winds off the live stock in the winter time, from which they suffered severely on the bare open fields and commons.

(*b*) Another kind were the temporary enclosures from the commons or wastes which were often used for arable, and when made permanent, as they frequently were, became some of the ' ancient enclosures ' found in award maps.

(*c*) Again, land was enclosed from the common fields and called ' several in open ' ; these also survived in ' ancient enclosures '. But it is doubtful if (*b*) and (*c*) were ' parts of the common field system '. It is more probable that they were evidences of the breaking-up of that system.

2. There was, secondly, the enclosure of land directly from the wild state, an inevitable result of the growth of population. In the early settlements the forests, marshes, and rougher hills would be avoided by men seeking land for

cultivation, but the pressure of numbers would gradually bring about their occupation for agricultural purposes. Much of this kind of land therefore was, especially in the west and north of England, never in open field but was enclosed from the wild state.

3. The third kind of enclosure is by far the most important; it is the well-known movement which superseded the common field system, and brought about the great revolution in agriculture.

This may be divided into enclosure of the common fields and meadows, and enclosure of the commons or wastes.

And the former may be effected by the following methods:[1]

1. Common agreement of all the collective owners, though many of the enclosures by agreement can hardly be described as of a voluntary nature for some were brought about by great pressure on the part of the lords, and others by the menace of a suit in chancery,[2] and so were more compulsory than voluntary. Many of the suits in chancery were collusive whereby two or more parties, having concluded an agreement to enclose, other parties applied to the court to restrain the agreement until their rights were satisfied, and this gave the opportunity for requiring other parties, besides those acting in concert, to put in an appearance and make their claim.
2. By the purchase by one owner of all conflicting rights.
3. By force and fraud.
4. By special license of the monarch, in Tudor times.
5. By Act of Parliament, either by private act—the method most in use from 1760 to 1845, the most active period of enclosing—or under the General Act of 1845 and its amending acts.

The enclosure of the commons or wastes could be effected by any of the above methods, and also under the Statutes of Merton (1236) and Westminster the Second (1289) which either gave or confirmed the right of lords of the manor to 'approve', that is to make his profit of, and hence to

[1] Slater, op. cit., p. 6.

[2] Gonner, op. cit., p. 51.

enclose commons provided they left sufficient pasture for the tenants of the manor.[1]

The reader must have learnt from the preceding pages that the enclosure of land was going on from very early times; it was indeed indicative of the progress of agriculture. Individual farmers were constantly endeavouring to free themselves from the hampering restrictions of communal farming by enclosing land which they might use as they thought best.

That portion of the Statute of Merton (20 Hen. III, c. 4) which deals with enclosure has been called the first enclosure act, and the movement is frequently mentioned in the public records. Smyth, in his *Lives of the Berkeleys*,[2] tells us that about the same date that the act was passed Thomas, Lord Berkeley, reduced great quantities of ground into enclosures by procuring many releases of common land from freeholders. There is a deed of enclosure preserved made as long ago as the year 1250,[3] by which the freemen of North Dichton 'appropriated and divided between them and so kept for ever in fee all that place called Sywyneland with the moor,' and they were to have license to appropriate that place which was common pasture, saving a portion to the grantor William de Ros and his heirs.

In 1290, among other instances of enclosure, the Rolls of Parliament contain one[4] where the men of Roger de Bray complain that Hamo de Chaumbre had enclosed a certain piece of land and charged rent for it, which land used to be common pasture, and thereby they lost food for their animals. Lord Maurice Berkeley, a little before this, consolidated

[1] 'It cannot well be doubted that to the Statutes of Merton and Westminster the Second we chiefly owe the legal doctrine that the soil of the waste is the lord's freehold, and that consequently all the rights of the commoners are derived, expressly or by implication, from him.' Stephen's *Commentaries*, i. 270 (16th edition). Before the Statute of Merton 'it seems fairly clear that any freeholder who had a right of common' could defy his lord to enclose one square yard of the waste. Pollock and Maitland, op. cit., i. 622.

[2] i. 113. [3] *Historical MSS. Commission*, 6th Report, p. 359.

[4] *Rot. Parl.*, Rec. Commission edition, i. 59.

much of his demesne lands, throwing together the scattered strips, and exchanging those that lay far apart from the manor houses for those that lay near, thus getting the home farms into a ring fence.[1]

His successor, Thomas the second, owner of the estate from 1281 to 1320, to the great profit of his tenants and himself, encouraged them to make exchanges in order to make their lands lie in convenient parcels instead of scattered strips, thereby raising the rent from 4*d.* and 6*d.* an acre to 1*s.* 6*d.*[2]

In the Calendar of Patent Rolls for the year 1331 [3] we find that Roger Mortimer had enclosed the common of pasture, the right of which belonged to some men at King's Norton in Worcestershire, with a dike, and these men filled the dike up for they were deprived of their inheritance. Thereupon Mortimer brought an action of trespass against them ' by means of jurors dwelling far from the said land ', who were put on the panel by his steward who was also the sheriff of the county, and the commoners were convicted and cast in damages of £300, not daring to appear at the time for fear of assault or even death. It is satisfactory to learn, however, that when the tyrant Mortimer was dead, Edward III gave them all their money back save 20 marks.

Early in the fifteenth century come the first complaints in the rolls of Forncett regarding enclosure.[4] By 1404 a considerable number of tenants had enclosed their lands in the open fields, and there was a notable increase of sheep on the manor. During the fifteenth and sixteenth centuries the tenants continued to enclose the land ; and from the survey of 1565 it appears that by that time from one-third to one-half of the fields of Forncett were enclosed, these enclosures being from three to fifteen acres in area each, and mostly arable.

In 1414 the tenants of Darleton and Ragenell in Notts

[1] *Lives of the Berkeleys*, i. 141 ; and Curtler, *Short History of Agriculture*, p. 75.

[2] *Lives of the Berkeleys*, i. 160.

[3] p. 127 ; and Curtler, *Short History of Agriculture*, p. 74.

[4] Davenport, *Norfolk Manor*, p. 80. See also Scrutton, *Commons and Common Fields*, p. 57.

complain that Mr. Richard Stanhope has forcibly enclosed all their fields, meadows, and pastures, and holds them in severalty.[1] In short, long before the nation began to complain of it in Parliament, lords and tenants were hard at work enclosing their land.

The evil effects of enclosure were first brought to the attention of Parliament early in the reign of Henry VII when, as Bacon wrote, 'Enclosures began to be more frequent whereby arable land which could not be manured (farmed) without people and families was turned into pasture which was easily rid by a few herdsmen; and tenancies for years, lives, and at will, whereupon much of the yeomanry lived, were turned into demesnes. This bred a decay of people,' and as was said in a Petition to Parliament, 'sheep and cattle drove out Christian labourers,' or, as the Husbandman says in the Dialogue, 'it was never merry with poor craftsmen since gentlemen became graziers.'

In the year 1487, therefore, Parliament passed two Acts, one local, the other general, and thus began the famous series of Depopulation Statutes. The local Act (4 & 5 Hen. VII, c. 16) was concerned, from the point of view of national defence, with the decay of people in the Isle of Wight which the preamble attributes to the fact that 'many towns and villages have been let down, and the fields ditched and made pasture for cattle', i. e. the common fields had been enclosed; also it was said many farms had been taken into one man's hands.

It accordingly enacted that no person should have in hand more than one farm exceeding ten marks in rent. The general Act passed in 1489 (4 Hen. VII, c. 19) entitled an 'Act against the pulling down of towns' (villages), sometimes called the Statute of Enclosures, has a preamble which is repeated in several subsequent Acts. It is directed against the pulling down of houses and the 'laying to pasture lands which customably have been used in tilth whereby idlenesse which is the ground and beginning of all mischiefs daily doth encrease. For where in some townes two hundred persons

[1] *Rot. Parl.*, iv. 29.

were occupied and lived by their lawful labours now there are occupied two or three herdsmen and the residue fall into idlenesse; the husbandrie which is one of the greatest commodities of this Realme is greatly decayed, churches destroyed, the service of God withdrawne, the bodies there buried not prayed for.' It therefore provided that all houses let within three years past with 20 acres of land for tillage are to be maintained, and 'if any man doo contrarie to the premises or any of them that then it be lawful to the Kyng, if ony such londes or houses ben holden of hym immediately, or to the lords of the fees, if ony such londes ben holden of them immediately, to reseiyve yerely halfe the value of thyssues and profytes of ony such londes whereof the house or houses ben not so mayntayned and susteyned'. This Act was extended and confirmed in 1514 and 1515 (6 Hen. VIII, c. 5 and 7 Hen. VIII, c. 1), both of which again complain of the pulling down of towns and of the 'laying to pasture lands which customably have been manured and occupied with tillage'.

They required the towns to be re-edified within a year, and that any land being on or after the first day of the present Parliament commonly used in tillage which should be enclosed and turned only to pasture whereby any plough or husbandhouse should be decayed, should be restored to tillage within the year under penalty of half the land till the statute was complied with.[1] The Government was fully aware of the failure of the Act of 1489, and the Statute of 1515 had not long been enrolled before Wolsey realized that, in the absence of extraordinary measures, its fate would be similar. On May 28, 1517, therefore, a royal commission was issued to the principal noblemen and gentlemen in the greater number of the counties of England to inquire how many towns, houses, and buildings had been destroyed since Michaelmas 1488, and how much land then in arable had since been turned into pasture, and how many parks had been enclosed. There is every reason to suppose that the inquiry was intended to be serious, searching, and impartial, and though it may be admitted that the returns

[1] Parks and marshes were excepted from the statute.

are incomplete (as we shall see later), that here and there juries may have been too timid to tell the whole truth, and here and there commissioners may have been over-lenient to friends; this report, presenting as it does an account of the enclosure movement from 1488 to 1518, throws most valuable light on the character and extent of the agrarian disturbance.[1]

Wolsey was most active in following up the returns of the Commission with energetic measures, and such tenants of the Crown as had been presented in 1517 were summoned to appear in Chancery in 1518, and a suit was begun against them on the part of the Crown for half profits in accordance with the Act of 1489.[2]

These proceedings, however, were frequently stayed upon the defendants entering into recognizances to restore the house and reconvert the enclosed pasture to arable within a stipulated time.

In 1518 Wolsey issued a decree in Chancery that all who had pleaded the King's pardon for enclosures should, within forty days, pull down and lay abroad all enclosures and ditches made since 1485, and in 1526 came a proclamation ordering all enclosers of every estate and dignity to remove all hedges, ditches, pales, or other enclosures brought from tillage since 1485.

Next comes the Act of 1533 (25 Hen. VIII, c. 13) complaining that divers people had gathered together into a few hands 'as well great multitude of farms as great plenty of cattle, and in especial sheep, putting such land as they can get to pasture and not to tillage, some have 24,000 (sheep) some 20,000'; so it was provided that no person should have more than 2,000 sheep or than two farms.[3]

[1] *Pol. Hist. of England*, v. 220.

[2] Leadam, *Doomsday of Enclosures*, i. 10.

[3] In this Act the hundred is the long hundred of 120, so that 2,000 sheep would really amount to 2,400; and 'sheep' did not include lambs under one year old; while the landowners could keep any number of sheep on their own demesnes. The prohibition against holding more than two farms for life, years, at will, or by copy, shows that the Act was directed against leaseholders and copyholders, that is the farmers, another proof that consolidation of land was not confined to the big landlords.

Before proceeding any farther with the tale of the Statutes against enclosure let us consider briefly what contemporary literature has to say on the subject.

The writers of the day are nearly all vehement in their denunciation of the movement chiefly because they were more concerned with its social aspect, especially the loss to the community by driving men from the country, while they paid little attention to the economic fact that sheep paid better than corn, not so much because sheep or wool sold for more money than corn, but because pasture land entailed less expenditure on labour than arable. The price of corn had varied little except in years of scarcity from 1259 to 1540,[1] and the price of wool had hardly varied during the same period.[2] The price of corn and wool continued low until after 1540 when they both participated in the general rise in prices, but Fitzherbert, writing before this, says that 'of all stock the rearing of sheep is most profitable'. Nor do contemporary writers pay much attention to the constant enclosure by small farmers, it is mainly attributed to the large landowners.

More, in the well-known passage in his *Utopia* written in 1516, complains that noblemen and gentlemen 'leave no ground for tillage, they enclose all into pasture, they throw down houses, they pluck down towns, and leave nothing standing but only the church to be made a sheep house'. And Latimer said, 'Where there was a great many of householders there is now but a shepherd and his dog.'

[1]

| | Wheat. | | Barley. | | Oats. | | Rye. | |
|---|---|---|---|---|---|---|---|---|
| | *s.* | *d.* | *s.* | *d.* | *s.* | *d.* | *s.* | *d.* |
| 1259–1400 . . | 5 | $10\frac{3}{4}$ | 4 | $3\frac{3}{4}$ | 2 | $5\frac{3}{4}$ | 4 | $3\frac{1}{2}$ |
| 1401–1540 . . | 5 | $11\frac{3}{4}$ | 3 | $8\frac{3}{4}$ | 2 | $2\frac{1}{4}$ | 4 | $7\frac{3}{4}$ |
| 1541–1582 . . | 13 | $10\frac{1}{2}$ | 8 | $5\frac{3}{4}$ | 5 | $5\frac{1}{2}$ | | — |
| 1583–1700 . . | 39 | $0\frac{1}{2}$ | 21 | 4 | 13 | 10 | | — |

Curtler, *Short Hist. of English Agriculture*, p. 347.

[2] Wool, per lb.: 1259–1400, $3\frac{5}{7}d.$; 1401–1540, $3\frac{5}{7}d.$; 1541–82, $7\frac{1}{2}d.$; 1583–1702, 9*d.* to 1*s.* The average price of sheep from 1401 to 1540 was about 2*s.* From 1501 to 1540, 2*s.* 10*d.* From 1541 to 1582, 6*s.* 4*d.*

About 1520 appeared the Ballad of *Now-a-Dayes* :

Commons to close and kepe
Poor folk for bred to cry and wepe
Towns pulled down to pasture shepe
This is the new gyse.

Envy waxeth wonders strong
The Riche doth the poore wrong
God of his mercy sufferith long
The devill his workes to worke

The townes go down the land decayes
Off corne fyldes playne layes
Great men makyth now-a-dayes
A shepecote in the churche.

Tyndale, in 1528, made a complaint, which frequently recurred, that pasture and parks were full of wild deer as well as sheep.

The increase of parks—sometimes merely as pleasure grounds, sometimes as preserves for deer—was very marked at this date. Harrison says :

In everie shire of England there is great plentie of parkes whereof some here and there, (to wit welnere to the number of two hundred for his daily provision of that flesh), apperteine to the prince, the rest to such of the nobilitie and gentlemen as have their lands and patrimonies lieing in or near unto the same . . . it shall suffice to say that in Kent and Essex only are to the number of an hundred (and twenty in the bishoprike of Durham,) wherein great plenty of fallow deere is cherished and kept. As for warrens of conies, I juge them almost innumerable.[1]

These parks and warrens were another sign of the rapidly growing wealth of the country, of the rise of a large wealthy class whose love of rural life led them to surround their fine houses with spacious grounds, for which they were severely rebuked by the Radicals of the day, such as Brinklow and Crowley. Yet, though Parliament was at this date hostile to enclosing for sheep farming it favoured the deer, and the

[1] In 1541 Henry Brinklow complained, 'How the corn and grass is destroyed by the deer many times it is pitiful to hear'; for the parks were 'the most batel and fruitful ground in England'.

parks containing them are exempted from the statutes against enclosure, though many parks represented a loss of common to the poor.[1] Fitzherbert in his *Book of Surveying* in 1523 says,

the lords have enclosed a great part of their waste ground and straitened their tenants of their commons therein : also they have enclosed their demesne lands and meadows and kept them in severalty, so that the tenants have no common with them therein. They have also given license to divers of their tenants to enclose part of their arable land and to take in new intakes or closes out of the commons,[2] paying to their lords more rent therefore, so that the common pastures waxen less, and the rents of the tenants waxen more.

In the almost universal condemnation of rural changes some few contemporary writers approved of and encouraged enclosure, when it was effected for the improvement of farming, and not merely to make great sheep runs. Though Fitzherbert was quite alive to its defects he favoured the movement provided it was by general consent and not by compulsion, since it so greatly improved farming.

Lette it be known (says he) howe many acres of errable landes every man hath in tyllage ; and of the same acres in every felde to change with his neyghbours, and to ley them toguyder, and to make hym one several close in every felde for his errable landes, and his leyse in every felde to lay them toguyder in one felde, and to make one severall close for them all. And also another severall close for his porcyon of his common pasture, and also his porcyon of his medowe in a severall close by itself ; and every cottage shall have his porcyon assigned him according to his rent, and then shall not the riche man oppress the poore man with his catell, and every man shall eate his owne close at his pleasure.

Thomas Tusser who was born in Essex about 1523 and had, in the course of a roving life, been a farmer, praises the ' country inclosed ' for, said he,

[1] Scrutton, *Commons and Common Fields*, p. 83.

[2] It is clear from this that much enclosure was of ' assart ' land, or land taken from the waste, whether pasture, heath, or wood.

More plenty of mutton and beef, corn, butter, and cheese of the best
More wealth any where (to be brief) more people more handsome and prest [1]
Where find ye; go search any coast than there where inclosure is most.

The Knight in the *Discourse of the Common Weal*, written by John Hales, one of the great supporters of the enclosure acts, states that

experience should seem plainlie to prove that inclosures should be profitable and not hurtfull to the common weal for we see that countries where most inclosures be are most wealthie as Essex, Kent, Devonshire, and such . . . that which is possessed of manie in common is neglected of all, and experience sheweth that tenauntes in common be not so good husbandes as when every man hath his part in several.

The writers of the time relied largely on moral influences to allay the evil effects of the agrarian changes of which the Prayer for Landlords, in the Book of Private Prayer set out by Edward VI in 1553, is an example:

We heartily pray thee to send thy holy Spirit into the hearts of them that possess the grounds and dwelling places of the earth, that they, remembering themselves to be thy tenants, may not rack and stretch out the rents of their houses and lands, nor yet take unreasonable fines and incomes after the manner of covetous worldlings but so let them out to other, that the inhabitants thereof may both be able to pay the rents, and also honestly to live, to nourish their families, and to relieve the poor: give them grace also to consider that they are but strangers and pilgrims in this world, having here no dwelling place but seeking one to come, that they remembering the short continuance of their life, may be content with that that is sufficient, and not join house to house, nor couple land to land, to the impoverishment of other, but so behave themselves in letting out their tenements, lands, and pastures that after this life they may be received into everlasting dwelling places: through Jesus Christ our Lord. Amen.[2]

[1] *Prest*, brisk or sprightly.

[2] 'The Primer, or Book of Private Prayer, Sundry Godly Prayers for Divers Purposes,' printed in *Liturgies of Edward VI. Parker Soc. Publications*, p. 458.

To return to the Statutes : the Act of 1536 (27 Hen. VIII, c. 22) states that the Act of 1489 had been enforced only on the King's lands and that the 'lords immediate and thodder mesne lords have not put the said act into due execution, the houses yet remaining unedified, and the lands still remaining in pasture,' and it provided that the King was to have half the profits till the re-edification and restoration, and each house was to have 50, 40, or 30 acres of land with it.

But all the acts were alike evaded, for their administration was in the hands of those most opposed to them. More important was the fact that the economic forces against them were too strong. The rental value, in the midland counties examined by Mr. Leadam,[1] of open arable land was 7·76 pence per acre ; of enclosed arable land 10·21 pence per acre. That is, the rental value of enclosed arable exceeded that of open arable by 31·57 per cent. And the rental value of land enclosed to pasture exceeded that of land enclosed to arable by 27·62 per cent., and the total average percentage of improved rental value of land enclosed to pasture over open arable was 66·78 per cent.,[2] that being the percentage by which 13·03 pence, the average value of enclosed pasture on this basis, exceeds 7·76 pence, the average rental value of open arable. This being the case, 'champaign' farming was doomed. The acts were evaded in various ways : that against pulling down houses was nominally obeyed by repairing one room for the shepherd ; a single furrow was driven across a field to prove it was still in tillage, and estates were held in the names of sons and servants.

The suppression of the monasteries aggravated the evils of the new system of farming. The demesnes of the Abbots, generally reputed good landlords, though in some counties there is evidence to show that they exacted higher rents than their lay neighbours,[3] hitherto tilled on an easy customary system, came into the hands of new men imbued with

[1] *Doomsday of Enclosures*, i. 68.

[2] There are, unfortunately, no figures to prove the increased rental value of land enclosed to pasture over open pasture.

[3] *Pol. Hist. of England*, v. 222.

the commercial spirit of the time. It is true that the Act suppressing the lesser monasteries required the grantees of the monastery lands to use as much of the lands in tillage as the monasteries had used, but this seems in many places to have been evaded. Therefore the country continued full of complaints till they came to a head in 1549.

Although the large sheep farmer was prosperous, rural depression had about this time reached its climax. Enclosure had displaced a large amount of labour which generally found no other employment. The cost of living rose persistently, and agricultural wages as usual followed it slowly, the coinage was debased so that its actual value was much below its face value, and its purchasing power reduced. The country swarmed with vagrants who formed a large portion of those who took part in the risings to be mentioned.

Bishop Scory wrote to Edward VI that the rural population had become more like the slavery and peasantry of France than the ancient and godly yeomanry of England.

The cause of the people was espoused by the Lord Protector Somerset who, in June 1548, issued a proclamation against enclosures and the taking in of fields and commons, and ordered those who had enclosed these commons to lay them open by May 1, 1549. The proclamation asserted that 'in divers and sundry places of the realm whereas in times past ten, twenty, yea and in some places a hundred or two hundred Christian people have been inhabiting and kept household now there is nothing kept but sheep or bullocks' and the people thus evicted were driven to beg or steal.

A commission was also appointed to redress enclosure in certain counties, but though it resumed its work in 1549 it became involved in the rising tide of disorder and accomplished nothing further, nor is any general report by them known to exist. And very few of those who had enclosed paid any attention to the proclamation; as Hales said, 'they did not mind how many laws were passed provided none were put in execution.'

# CHAPTER X

RISINGS AGAINST ENCLOSURE.—KETT.—THE *COMMONWEAL OF ENGLAND.*—TEMPORARY REACTION.—THE OLD POLICY RESUMED AND MADE TEMPORARILY EFFECTIVE BY A CHANGE IN ITS ADMINISTRATION.—THE LAST OF THE DEPOPULATION ACTS.—RURAL ENGLAND AT THE END OF THE SIXTEENTH CENTURY.

The wrath of the people against enclosure had reached its climax and in the early summer of 1549 risings began in Somerset spreading thence to Gloucestershire, Wiltshire, Dorset, Hampshire, Oxfordshire, Bucks, Surrey, Sussex, Kent, and Norfolk. According to Hollinshed

> the misguided people, presuming upon the proclamation, took upon themselves to redress the matter and chose to themselves captains and leaders, brake open the enclosures, cast down ditches, killed up the deer they found in the parks, spoiled and made havoc after the manner of an open rebellion. First they began to play these parts in Somerset, Bucks, Northamptonshire, Kent, Essex, and Lincolnshire. In Somerset they brake open certain parks of Sir William Herbert, and the Lord Sturton . . . shortly after the commons of Devonshire rose by way of rebellion demanding not only to have enclosures laid open and parks disparked,

but religious grievances redressed, which in this county were the chief cause of complaint. In Norfolk enclosures or the deprivation of common rights were the main subjects of grievance. In Cambridgeshire was a long list of complaints of 'plowing up certain balks and cutways in the fields'.

But it was again in the prosperous east, in Norfolk, that the rebellion was most serious and there it found its leader Robert Kett. Kett is called a tanner but he was also a landowner and a man of some position in the neighbourhood; he was a member of a family, a branch of whom held lands at Wymondham in Norfolk in 1483. He certainly belonged to the landowning class, and it was only owing to his taking

part in a family feud in which he sympathized with some rioters, that he developed sympathy with popular complaints and aims, and was therefore elected leader by the rebels.

These complaints as set forth by a contemporary writer were that :

> The commons which were left by our forefathers for the relief of ourselves and families are taken from us ; the lands, which were within the remembrance of our fathers open, are now surrounded by hedges and ditches, and the pastures are enclosed so that no one can go upon them. We will throw down hedges, fill up ditches, lay open the commons, and level to the ground whatever enclosures they have put up.

Under Kett's leadership the rioters proceeded to Norwich, throwing down on their way the hedge surrounding the common pasture or town close of Norwich—a proceeding which, as the pasture was appropriated to the use of the poor freemen of the city, did not greatly benefit the poorer classes of the community.

Kett occupied Mousehold Heath close to Norwich as a camp where a large force gathered, and there he administered rough justice under the Reformation Oak while his followers scoured the country, demolished the hedges and ditches of enclosed commons, laid open the parks, and killed the deer in them. But on the whole their conduct was restrained and almost orderly. Rude courts were held by Kett and his reluctant assessor, the Mayor of Norwich, in the rebel's camp ; and if the justice they administered was rough it was probably as fair as that then obtainable in the King's courts where, according to a proverb of the day, 'the law was ended as a man was friended.' Landlords were detained as prisoners, but only put in irons when they attempted to escape, and no lives were taken.

Every morning and evening service was read in the camp by a Norwich vicar, and Matthew Parker, the future archbishop, was allowed to preach to the rebels from the oak of reformation on the evil of their ways.[1]

[1] *Pol. Hist. of England,* vi. 34.

From Mousehold Heath Kett sent up a petition to the King which was singularly moderate in tone :

We pray your Grace that no lord of no man shall common upon the commons. We pray that the freeholders and copieholders may take the profits of all commons and thereto common, and the lords not to profit on or to take profit of the same. That your Grace will take all liberties of leet into your own hands whereby all men may quietly enjoy their commons with all profit ;

which, as Mr. Scrutton says, looks as if the Court Leets had been assuming a jurisdiction which did not belong to them and which would prejudice the commoners, as in the Court Leet the steward was judge, but in the Court Baron the freeholders.[1]

They prayed also that no 'Lord, Knight, Esquire, or gentleman, do graze nor feed any bullocks or sheep, if he may spend £40 a year by his lands, but only for the provision of his house' ; and 'that all bondmen may be free for God made all free with his precious blood-shedding'.

But the petition, whether moderate or not, was of no avail ; the rebellion was suppressed, 3,500 of the Norfolk rebels were slain, their leader hanged, and enclosures went on as before.

About this time was written the famous *Commonweal of England*, by John Hales, a discussion between a Merchant, a Knight, a Capper who represents the craftsmen or artisans, a Husbandman, with a summary and suggestion of remedies by a learned Doctor, which, among other things, presents the matter of enclosure from more than one point of view, and in a broadminded way which is generally rare at that time—or indeed any other.

Says the Husbandman,

These enclosures undo us all for they make us to pay dearer for our land that we occupy ; all is taken up for pasture, either for sheep or for grazing cattle insomuch that I have known of late a dozen plows within less compasse than six miles about me, laid down within this seven years

[1] Stubbs, *Const. Hist.* i. 105.

and where forty people had their livings now one man and his shepard hath all.

But the Husbandman makes the important admission that enclosure was by no means confined to the big landlords, and that it was economically very advantageous.

Many of us (he says) saw long ago that our profit was but small by the plow, and therefore divers of my neighbours that had in time past some two, some three, some four plows of their own have laid down some of them part, and some all their teams, and turned either part or all of their arable land to pasture and thereby have waxed very rich men. And every day some of us encloseth some part of his ground to pasture, and were it not that our ground lyeth in the common fields intermingled one with another, I think also our fields had been closed by *common agreement* of all the township longe ere this time. . . . I that have enclosed little or nothing of my grounde could never be able to make up my lord's rent were it not for a little herd of neate, sheepe, swyne, geese, and hens.

This, especially as it comes from John Hales, who was fully aware of the arguments against enclosure, is a most significant statement, and takes much of the sting out of the popular complaints of the time against the process.

The Knight, as representing the landowners, justifies enclosure, and the rise of rents by the general rise in prices which was noticeable. And he offers to reduce his rents to what they had been twenty years before if the Husbandman will reduce his prices in the same way. But the Husbandman says this offer leaves out iron and clothes for which he will still have to pay the increased price, and doggedly maintains that the present ' dearth ' is due to the landlords ; and if the rent of the land were brought down the prices of all other things would fall.

Gentlemen (continues the Knight) fall so much to take farms to their hands lest they be driven to buy their provisions too dear ; that is a great cause again that enclosures are the more used. For gentlemen having much land on their hands, and not being able to wield all, and see it manured in husbandry, which requireth the labour and governance of a great many persons, do convert most of that

land to pasture, wherein is required both less charge of persons, and of which nevertheless cometh more clear gain. I and my sorte, I mean all gentlemen, have as great, yea a far greater cause to complain than any of you have : for as I said, now that the price of things was risen on all hands, you may better live after your degree than we, for you may, and do, raise the price of your wares as the price of victuals and other necessaries do rise. And so cannot we so much, for though it be true that of such lands as come to our hands either by purchase, or by determination and ending of such terms of years, or other estates that I or my ancestors had granted therein in times past, I do either receive a better fine than of old was used, or enhance the rent thereof for the charge of my household that is increased over that it was ; yet in all my life time I look not that the third part of my land shall come to my disposition that I may enhance the rent of the same, but it shall be in men's holdings either by lease or by copy granted before my time, and still continuing and yet like to continue in the same estate for the most part during my life and perchance my son's so as we can not raise all our wares as you may yours.

And he says :

Noblemen and gentlemen there be, that when their lands be at theire disposicion yet they will enhance nothing above the old rent ; so as the most part of the landes of this Realme stand yet at the old rent. (Lamond edition, p. 39.)

The causes which hindered many landowners from gaining full advantage of the rise in prices could not be more clearly put. And the Knight goes on to say that from this cause

many of us have departed as ye know out of the country of late, have been driven to give over our household, and to keep either a chamber in London, or to wait on the court uncalled, with a man and a lackey after him where he was wont to keep half a score clean men in his house, and twenty or thirty other persons besides.

Here, for once, we have the landlord's case stated, apparently with moderation and fairness, and it presents him in a very different aspect from the greedy tyrant whom his critics portray.

The Doctor, who is asked to give a remedy for these great enclosures ' whereof all the realm complaineth so much and

hath complained so long', makes the obvious suggestion that sheep are preferred to corn because they pay better, and the way to stop the conversion of arable to pasture is to place restrictions on the export of wool as on the export of corn, or make corn as free as wool.

The Capper, who would have the sympathy of many a practical man to-day, does not believe in the opinion of city theorists on land questions :

I would set you to the plough and cart (he says to the Doctor) for the devil a wit the good do ye with your studies but set men by the ears. Some with this opinion, and some with that, some holding this way and some that way, and some another, and that so stiffly as though the truth must be as they say. And this contention is not the least cause of these uproars of the people, some holding of the one learning and some of the other.

On the fall of Somerset in 1549 there was a general reaction against his policy, which even seems to have extended to the traditional Tudor policy as regards enclosure, for the Statutes of Merton and Westminster the Second, as far as they concerned the lords' power of enclosing from the waste, were re-enacted by 3 & 4 Edward VI, c. 3.[1] But the re-enacted statutes were not to apply 'where in divers countries of this Realme there hath been builded upon commons or waste ground certaine necessarie houses, withe grounde under the quantitie of three acres and not above three acres inclosed to and with the same'; for the legislature favoured the small holder for various reasons. Politically, the Government desired to secure themselves against the danger of a discontented nobility by favouring and encouraging the yeomanry. From a military point of view it was always thought necessary to have a sturdy peasantry, and economically the small holder was important since

[1] In the *Report of the Committee on Waste Lands* of 1795, p. 208, it is stated that 'in modern times there is scarce an instance of an approvement (under the Stats. of Merton and Westminster II), for the more opulent and powerful the commoners of the kingdom grew, the more opposition they made, and the greater difficulty there was found in carrying on this proceeding.'

taxation was then raised from subsidies on property as well as income and on personal as well as on real property ; and the conversion of an estate from arable to pasture might raise the rent but would displace a number of tenants and therefore mean less farm stock and personal effects to be taxed.

But the old policy was resumed in the Statute 5 & 6 Edward VI, c. 5, ' For the better mayntenance of Tyllage and encrease of corn which of late time had been much decaied by such as have converted landes usuallie put in tyllage to pasture,' and it was enacted that all land which had been for four years in tillage at any time since the first year of Henry VIII should after the Feast of the Annunciation of our Lady 1553 be put in tillage and so kept for ever, under a penalty of £5 per acre with the exception of land that had been pasture, common, or waste for 40 years, land used to maintain a house, parks commonly used with deer, &c.

But this statute had no more effect than the previous ones, and a pamphlet of this time called ' Certaine causes gathered together wherein is showed the decay of England ' says that ' there is not so many plows used within Oxfordshire as in Henry VII's time and since his first coming there lacketh 40 plowes (afterwards, he thinks, 80), and in Northamptonshire it was the same, and each plow, besides keeping six persons, will give thirty quarters of grain per annum, so the food of 300 persons per county is lost.' [1]

But about the middle of the century the Government discovered that the administration of its enclosure laws by the landlords made them of no avail and placed their administration, instead, in the hands of special commis-

[1] This must be a miscalculation. The modern annual consumption of wheat in England is about six bushels per head ; but if 40 ploughs each kept six persons, and provided 30 quarters of grain, allowing for a greater consumption of bread then, and the use of barley for beer and of oats for the stock, they would keep more than 300 people. Further, 40 ploughs, if ploughing what is said to be the usual quantity of 120 acres each annually, would plough 4,800 acres, which at the low yield of one quarter per acre would provide 4,800 quarters.

sioners responsible to the central government, and by these means the movement received a considerable check, though only a temporary one, since the Government policy was opposed to economic development. In July 1561 Cecil sent letters to all the magistrates in the southern and western counties bidding them send in reports on the working of various laws affecting the daily life of the people, including the laws against converting tillage to pasture. The reports of the magistrates, if made, are not known to exist, but a possible result is to be found in the re-enactment next year of the laws of Henry VII and Henry VIII against enclosure. This statute, 5 Eliz., c. 2, also repealed the laws of Edward VI and Mary on the subject as being partly too imperfect and partly too mild, but no new principle of importance was added to the law, and there was no new legislation on the subject or action on the part of the Government for nearly thirty years.

The three Acts at the end of the Great Queen's reign must be noticed: the first, in 1589 (31 Eliz., c. 7), an Act 'against erecting and maintaining of cottages' which is generally cited as an Act to encourage small holdings but seems also an Act to limit the number of cottages. The preambles to Tudor statutes are often pious wishes, or political manifestoes, but there is no reason why the preamble to this Act should have any ulterior motives, and it states that it is passed 'for the avoidance of the great inconveniences which are found by experience to growe by the erectinge and buyldinge of great numbers and multitude of cottages which are daily more and more increased in many parts of this realme.' Accordingly, no cottage in the country was to be erected without four acres of ground at least being assigned to it, to be continually occupied therewith under a penalty of £10 for building it and 40*s.* a month as long as it stood.

Other sections deal with cottages in cities and towns, and section 6 enacts the first law against overcrowding by ordering that no more than one family shall live in any cottage, under a penalty of 10*s.* a month.

In 1597, 39 Eliz., c. 1 repealed all previous Acts for the re-edification of houses, and ordered that when houses of husbandry have been decayed for more than seven years half the number must be rebuilt and 40 acres of land allotted to them. It also sanctioned the rearrangement, for the purposes of the Act, of the intermixed holdings in common fields and meadows by making it lawful for the lord of the manor to make exchanges of land with his tenants, and for the tenants, with the consent of their lord, to make exchanges with one another.

This, no doubt, greatly encouraged the piecemeal enclosure which we know was constantly going on.

In the same year the statute 39 Eliz., c. 2 states that from the twenty-seventh year of Henry VIII's reign to the thirty-fifth year of the current reign there had always been in force some Act for the maintenance of tillage, but in the latter year, 1593, all such Acts were discontinued, partly by reason of the great plenty and cheapness of grain, and that in consequence since then depopulation had increased greatly. Therefore it was enacted that lands converted from tillage to pasture should be reconverted within three years, and lands then in tillage should remain so, under a penalty of 20*s.* per acre per annum.

This [1] was the last of the long series of statutes against depopulation, and though the earlier depopulation Acts were repealed by 21 James I, c. 28, this Act was not repealed until 1863.

Two other Acts of the sixteenth century deserve notice for anticipating more modern legislation.

In 1545 an Act, 37 Hen. VIII, c. 2, was framed for the partition of Hounslow Heath, of which the King was seised,

[1] The preamble of 39 Eliz., c. 2, sets forth clearly what were then considered the chief advantages of tillage. It had always upheld the strength of this kingdom; and had increased and multiplied the people for service in the wars and in time of peace; it had set the people to work and thereby withdrawn them from idleness, drunkenness, and other lewd practices; it had preserved the greater part of the people from extreme poverty in a competent estate; had distributed wealth in many hands; and kept the realm from depending on foreign countries for its corn.

and it recited that although the King might, by the ancient laws of the realm, justly approve a great part of the Heath, yet it was thought desirable to appoint commissioners who should set out to every inhabitant in every parish a portion of the Heath, either as a copyhold in perpetuity or on a 21 years' lease, the lessees to improve their allotments without hindrances and the commissioners to have power to make valid customs and orders for the enclosure. As we shall see, the spirit of this Act is very similar to that of some of the private enclosure Acts of the eighteenth and nineteenth centuries.

An Act of 1592, 35 Eliz., c. 6, s. 4, is still more modern in spirit for it laid down 'that no person shall enclose or take in part of the commons or waste grounds within three miles of the gates of the City of London, nor sever, nor divide by any hedges, ditches, pales, or otherwise, any of the said fields lying within three miles, &c., to the hindrance of the training of soldiers, or of the walking, recreation, comfort, and health of her majesty's people, or of the laudable exercise of shooting,' under a penalty of £5 for every month that the said commons were kept enclosed.

Of the condition of rural England at the end of this eventful century we have two contemporary accounts which paint very much the same pictures of the enclosure movement as did those at the commencement.

Harrison, in his *Description of England*, tells us that 'Certes sheep is more cherished in England than standeth well with the commoditie of the commons, or prosperitie of divers towns whereof some are wholly converted to their feeding,' and he goes on to say that 'if the old records of every manor be sought and search made to find what tenements are fallen either down, or into the lord's hands, or brought and united together by other men, it will soon appear that in some one manor seventeen, eighteen, or twenty houses are shrunk.' And he says that England was now mainly a grazing and not a corn-growing country as it had been ; but in spite of depopulation he sees the economic gain from sheep raising.

Aubrey, in his *History of Wiltshire*, gives a graphic description of that county in the last part of the sixteenth century :

This county was then a lovely campania as that about Sherston and Coteswold. Very few enclosures unless near houses. My grandfather Lyte did remember when, all between Cromhalls and Castle Combe did intercommon together. In my remembrance much hath been enclosed and every year more and more is taken in. Anciently the Leghs (leys or pastures) were noble grounds as yet the demesne lands at Castle Combe are. There were a world of people maintayned by the plow as yet in Northamptonshire, &c. There were no rates for the poore even in my grandfather's daies but for Knighton St. Michael (no small parish), the Church Ale at Whitsuntide did their businesse. Since the Reformation and Inclosures aforesaid these parts have swarmed with poore people. Inclosures are for the private not for the public good. For a shepherd and his dogge or a milkmayd can manage that land that upon arable employed the hands of severall scores of labourers.

# CHAPTER XI

## WHAT MODERN RESEARCH HAS TO SAY ABOUT TUDOR ENCLOSURES

THE CONTEMPORARY OUTCRY EXAGGERATED.—CAUSES WHICH MITIGATED THE EFFECT OF ENCLOSURE.—GROWTH OF THE YEOMAN CLASS.—STATISTICS OF ENCLOSURE.—THE PERIOD WHEN THE VARIOUS COUNTIES WERE ENCLOSED.—THE EFFECTS OF THE TUDOR ENCLOSURES.—HOW FAR OPPRESSIVE MEASURES WERE USED.—THE POSITION OF FREEHOLDERS.—SUMMARY.

We have learnt now that the contemporary outcry in the sixteenth century against enclosure was very much overdone, and the amount of land stated to be enclosed greatly exaggerated.

That where enclosure did take place many poor people lost their employment and were turned out on the world is unfortunately true; periods of transition such as this have generally been accompanied by more or less suffering. Enclosure meant temporary social distress but economic progress.

Dr. Gay [1] is the chief critic of the popular outcry against enclosing in the sixteenth century, and after devoting much time and labour to the question, he asserts that the literature of the period is marked by 'hysterical and rhetorical complaint and is condemned by its very exaggeration'; and we must remember that these writers paid far more attention to the social than to the economic side of the matter. At that date economic issues were not yet separated from public and personal morality. The encloser who turned poor men out of their farms on to the roadside was looked on as a criminal, however much the country gained from increased production.

The statistics by which Dr. Gay supports his assertion

[1] *Quarterly Journ. of Economics*, xvii. 576.

are, unfortunately, not complete, but as far as they go they may be said to prove it. They are based on the returns made in Chancery by the Commissioners of 1517–19, of 1548, 1566, and 1607, who were appointed to inquire into the violation of the various Acts against enclosure.

The presentments for 1517–19 are preserved either in abstract or in full, and deal with twenty-three counties, 'and may at any rate be taken as a minimum estimate of the enclosures of the period 1485–1517.' Those for 1548–66 give very meagre information for four, while those for 1607 only deal with six counties, all, however, among the previous twenty-three except Huntingdonshire. Further evidence is provided by some judicial proceedings before the Court of Exchequer, the Court of Chancery, the Star Chamber, and the Court of Requests.

The total area declared to have been enclosed by the inquisitions of 1517–19, and 1607 is only 171,051 acres, out of a total acreage of nineteen millions or 0·90 per cent., and Dr. Gay, allowing for imperfections in the returns, and adding a hypothetical increase for the years not covered by, and for the counties not included in, the commissions, calculates that the total amount enclosed from 1455 to 1607 comes to 516,673 acres, or less than two per cent. of the total area of England ; no very large proportion.

There has already arisen a considerable controversy[1] over these figures, and there is good reason to think that the returns are not so complete even as Dr. Gay states. Some of the commissioners themselves were interested in hindering the inquiry, and Hales, one of the commissioners of 1607, says that they met with obstinate resistance, and had the greatest difficulty in getting full returns.

Somme found means to have their servantes sworne on the Juries to thyntent to have them hazarde their soules to save their gredynes ; and as I have lernyed syns it is not possible in any of the Shires where we wer to make a Jurye without them, such is the multitude of retaynours and hangers on. Somme poor men were threatened to be put

[1] See, among others, Tawney, *op. cit.*, p. 262.

from their holdes, if they presented, as it pleaseth any landlord so shall it be.

And there is evidence of the same opposition to the earlier inquisitions. And, as Dr. Gay admits, the entries which furnish the raw material are themselves so vague or deficient that statistical deductions leave a residuum of misgiving. But after allowing for considerable omissions in the returns from these causes, the area enclosed in the sixteenth century was not a large one, and nothing proves this more clearly than the large area which was enclosed in the three succeeding centuries, especially in the great enclosing era from 1750 to 1845, for the movement, as Professor Gonner has pointed out, was continuous.

It has been said that though the area enclosed in the sixteenth century was small it was large compared to the amount of cultivated land. But it is doubtful if the area of cultivated land was small. We have seen that even in the time of Domesday, there was more arable land in some counties than there is to-day, and if much of this land had since been converted to grass it could not be called uncultivated in the broader sense of the word.

Yet the importance of the movement, though limited, must not be underestimated. 'The fact that statistical evidence reveals no startling disturbance in area enclosed or population displaced must not blind us to the fact that both in immediate consequences and in ultimate effects the heavy blows dealt in that age at the traditional organization of agriculture were an episode of the first importance in economic and social development.'[1] And although the area affected was by no means great our forefathers doubtless appreciated the significance of the movement; they saw that the old order, to which custom and tradition had bound them for centuries, was going; and they, like most men, feared what was new and strange. And if contemporaries exaggerated the amount enclosed they certainly minimized the share which the small man had in it. Not only did many of the small tenants lay lands together, but both

[1] Tawney, *op. cit.*, p. 402.

then, and long before, were often graziers on a considerable scale. In the fifteenth century the growth of the woollen industry brought prosperity to many villages, and a large number of sheep were kept by customary tenants on many manors in the south of England, as is shown by the increasing complaints in the Court Rolls of the overstocking of commons. The great sheep-farms of the sixteenth century were preceded by the small ones of the fifteenth, very much as the accumulation of small properties in the Middle Ages was a foretaste of the consolidation of estates in modern times.

It must also be remembered that, as Fitzherbert tells us, much of the enclosure occurred on the demesnes, and that large numbers of sheep could be pastured on the common pastures and waste without enclosing, and where there was a local demand for wool for manufacture, as in the East and West, many of the people turned off the land could speedily find employment. Nor, in many cases, would they have far to go in search of work, for this is the time when the industry of spinning and weaving wool began to be practised in the homes of the people.

Again, much land was exhausted by continuous cropping and scanty manuring, and badly needed a rest, the benefit of which was fully proved by the increased crops grown when the land was ploughed up again. About this time there is a petition from the tenants of the manor of Marton in Craven to the Countess of Cumberland, that they might take up a piece of the moor of Marton 'to sowe or else they were utterly undone for corne', the arable being worn out. And near the same time the inhabitants of Carlton stated that they had 'much other ground which by long occupying of the same with sowing is become very unfruitful and barren for corne'.[1]

Lastly, by no means all the land enclosed was converted to pasture. A close observer, Leland, in his famous Itinerary, made in the years 1536–42, makes mention of enclosed land sixty times, and in twenty-six of these cases he refers to the corn in the enclosures.

[1] Scrutton, *Commons and Common Fields*, p. 124.

Where tillage was turned to grass, which was the chief cause of complaint in this century, the enclosing of land meant depopulation and the disappearance of the small holder, but a contrary tendency was at work. The enclosure movement at this date did not mean the consolidation of large arable farms; that came after the middle of the eighteenth century owing to the high prices of corn and the better crops that could be grown by improved farming. Now it meant large grass farms for sheep, but also a number of small arable farms for the growing class of small yeomen. And by 'yeomen' at this time is meant not only occupying owners but leaseholders and even copyholders. We have seen that as early as the period of the Black Death small-holders began to multiply chiefly for the reason that the increased price of labour did not affect them, since they and their families did all or most of the work on their farms, and so they flourished. In the reign of Edward IV the growth of the small holder class received an impetus from the famous Taltarum case which, by enabling entails to be barred, facilitated the distribution of land. And there was no legal check on this until the introduction of strict family settlements by Sir Orlando Bridgeman after the Restoration, which once more restricted the sale of land and so helped to put a stop to the creation of small holders. But owing to the fluidity of land transfer during these 200 years the number of smallholders had so increased in spite of constant enclosure that the well-known figures published by Gregory King in 1688 marked the zenith of their importance and prosperity. From then they began to decline. But there were other causes for their disappearance besides family settlements, which we will discuss in our account of the seventeenth century.[1] Miss Davenport, in her history of the manor of Forncett, gives some examples of the accumulation of land by smallholders. Of the Botifont family on that manor one tenant in 1410 had accumulated 78 acres

[1] Mr. Tawney thinks that the number of copyholders declined during the sixteenth century owing to their insecure tenure, but that the freeholder continued to flourish because he was not liable to fines and evictions.

and four messuages. One of the Dosy family in 1441 owned five messuages and 52 acres; his son, in 1487, was seised of five messuages, two half messuages, and 60 acres. Of the Hillyngs, one branch held 13½ acres in 1433, 18½ in 1469, 20¾ in 1493, and in 1506 the last male representative of this branch died holding land, as his will states, in five different manors. The break-up of communal farming emancipated individual enterprise with its inevitable result.

The counties where enclosure was most prevalent in the period 1455–1607 were, according to Dr. Gay's tables, the following:

| | | |
|---|---|---|
| Group 1: | Leicester, Northampton, Rutland, Warwick (S.E.) | 8·94 per cent. of total area enclosed. |
| Group 2: | Bedfordshire, Berkshire, Buckinghamshire, Oxfordshire, Middlesex | 8·45 per cent. of area enclosed. |
| Group 3: | Cambridgeshire, Huntingdonshire | 5·25 per cent. of area enclosed. |

These counties are in the great central plain of England where the history of enclosure is best known to us. In other counties, during this period, enclosure took place but to a very small extent, though it is interesting to note that the enclosed orchards of Gloucestershire, Worcestershire, and Herefordshire must be ascribed to this time.

A very large amount of enclosure has escaped the notice of historians but has been going on gradually and continuously from early times. That of the south-eastern and the south-western corners of England is wrapped in a considerable degree of mystery. Dr. Slater[1] thinks that the enclosure movement began there and was suddenly checked before it proceeded further by the Tudor series of Depopulation Acts, and by the Inquisitions and other methods taken to enforce them: the Acts specially stipulat-

[1] *English Peasantry and Enclosure of Common Fields*, p. 163.

ing for the continuance of the ancient customary methods of tillage. In the western counties, where enclosure was also early, this may be partly attributed to the fact of their being more devoted to grass than to tillage, as they are to this day; or to some difference in the primitive village community of the west which caused cultivated land to pass more easily into the condition of exclusive ownership and separate use.

There is no doubt that Celtic custom influenced Devon and Cornwall, the counties bordering on Wales, and Lancashire, and there the enclosure of arable took place at a comparatively early stage of social evolution. The same system also affected the four northern counties, but at a later date, owing probably to their unsettled condition from border warfare.

It has been asserted that it was that feature of the runrig custom whereby periodical reallotment of the strips in the fields survived as long as coaration, which was the distinguishing characteristic of the Celtic system, but Professor Gray tells us that reallotment often ceased before coaration, and that the main differences between the Celtic and English systems were:

The custom of transmitting land to coheirs, and giving to each a share in parcels of land of every quality; the most important feature of runrig. The smaller size of Celtic townships and fields, which facilitated enclosure. Different modes of cultivation. No rigid two- or three-field system.

Under the Celtic system, and under the Kentish (which was of Roman origin), with a variable rotation of crops and the absence of a fallow field, it was possible, in spite of subdivision among heirs, to retain a degree of compactness, which naturally facilitated enclosure.[1]

At any rate no close connexion between a three-course rotation and three large fields ever arose.

Also in the counties that came under Celtic influence there were often such large tracts of woodland, waste, moor, or down, that it was possible to set little store on the

[1] Gray, *op. cit.*, p. 405.

use of the fallow arable for pasture, a feature which the midland system always emphasized.

Freed, therefore, from the pasturage needs of the midlands, and not subject to the symmetrical arrangements there prevalent, the open-field arable acres of the non-midland counties yielded to enclosure at an early date.

Early enclosure also took place in east Norfolk and east Suffolk, perhaps owing to the survival of the one-field system, and the growth of crops continuously year after year, the fertility being maintained by manuring, a system which would lead to early enclosure; while Professor Gray notes pasturage arrangements, and a unit of villein tenure (the eriung) peculiar to this district.

Much of Essex was early enclosed, its field system, like that of the other counties in the lower Thames basin (Surrey, Herts., and Middlesex), being borrowed from those of the Midlands, Kent, and the East Anglian counties.[1]

## The Effects of the Tudor Enclosures.

In attempting to estimate the effects of enclosure, even in a particular period, it is necessary to distinguish between the results produced on particular classes of the community, and those which affect the general well-being of the country. As Bacon says, in his *History of Henry VII*, the problem which faced that monarch was to effect a compromise between reasons of state and the progress of agriculture. All those acquainted with rural life know that enclosure and separation meant technical progress. The danger to be avoided was the depopulation of the land during that progress. We may, therefore, divide the effects of enclosure in the period we are considering, and, indeed, in subsequent periods, under two main headings: its effect on agriculture and on the general condition of the people.

1. *On agriculture.*

That enclosure was beneficial to agriculture is beyond doubt. The disadvantages of the open-field system were

[1] Gray, *op. cit.*, p. 355.

numerous, and the only wonder is that it lasted as long as it did. The inconvenience of the scattered strips was alone enough to condemn it, for, after coaration ceased, the trouble of each farmer in gaining access to them across the strips of his many neighbours must have been wellnigh intolerable. Where common cultivation was adhered to the pace was necessarily set by the slowest and worse farmer. Constant disputes, too, arose as to the ploughing up of the balks of turf which separated the strips.

The practice of turning all the live stock of the village on the arable fields after harvest and on the pasture all the year round was bad in two ways. Very often the bigger farmers crowded off the smaller ones, by turning on more than their share, and in any case the mixture of all kinds of stock was provocative of disease and inferiority. Individual enterprise and initiative were practically impossible.

It is no wonder that a writer of the day called the system 'mingle-mangle'; for in one manor, we are told, that a tenant owned 19 acres in thirty-six different strips, and a common field of 1,074 acres was divided among twenty-three owners who had therein 1,238 separate parcels. The complaints of the sixteenth century were mainly against the depopulation caused by enclosing and consolidating small arable farms into large grazing farms. Putting this aside the balance of practical opinion, then and afterwards, was that enclosure benefited agriculture. Fitzherbert declared that the respective values of an arable acre unenclosed and enclosed was as three to four. The wise Fuller said that 'the poor man who is but monarch of one enclosed acre will receive more profit from it than from his share of many acres in common with others'. Standish, writing in 1613, says 'the barest lands enclosed do in profit far exceed the best vallies (unenclosed); the people much the richer and able of body to serve their prince and defend their country', and further that 'in the champaign, or open, counties the land is barren, and fewell so scant that they are constrained to burn the straw and manure.'

And this evidence could be multiplied greatly.

Yet it must not be imagined that the crops on the open fields were always bad. On the contrary we know from Leland and others that they were often very plentiful, 'the condemnation of the old system lay not in any absolute infertility, but in its growing unsuitability, in the obstacle it presented to progress, and last but not least, in the greater total advantages, advantages which increased century by century, offered by the system which was taking its place'.[1] It is usually asserted that the enclosures of the fifteenth and early sixteenth centuries were for the conversion of arable to pasture, and there is abundant evidence that such took place. On the other hand, it is by no means correct to assume that there were not many enclosures for corn-growing. We have seen that Leland notes that nearly half of the enclosed land which he saw was in corn. It is probable that when land was converted into pasture, some of it, after a rest, was ploughed up again. John Green, at the end of the reign of Henry VIII, says conditions had greatly changed since the time when landlords through a lack of tenants had been driven to sheep-farming, and, at the date he wrote, the increase of the population had led tenants to seek for landlords. It was recognized that enclosed arable produced better crops, and the discontinuance of the Statutes of Tillage in 1593–4 was due, in part, to the abundance of corn, though the demand for their re-enactment alleges that, in the few intervening years, further conversions to pasture and, with them, depopulation had taken place. On the whole then we may say that, though the tendency was to convert arable to pasture, it was very far from being universal. Arable farming played a much more important part on the holdings of the customary tenants than it did on those of the large farmers. The former subsisted mainly on the tillage of the land in the open fields; the later usually relied on the opportunities for stock-raising offered by pasture and meadow land; though they too were sometimes arable farmers.[2]

With regard to commons, as distinguished from common

[1] Gonner, *op. cit.*, p. 306.

[2] Tawney, *op. cit.*, p. 227.

fields, there seems to be little doubt that, in practice, common rights were often of much less value, even at this date, than many writers would have us believe. Large farmers surcharged the commons and thereby kept the stock of the poor from grazing on them. The poorer farmers often had not enough winter feed to keep stock, and so summer grazing was of little use to them. Jobbers would hire adjacent cottages in order to obtain a right of entry on to the common, and then proceed to eat it up. Squatters, as Norden tells us, built new cottages, often mere hovels, near commons, and though legally without any rights, gradually obtained them by encroachment. Many of the commoners who lost their rights on enclosure belonged to this class, that is, they were really trespassers, yet numbers of them on proving a twenty or thirty years' title were allowed allotments in lieu of their rights. But we shall have more to say on this subject in discussing the eighteenth century. The common-field system, indeed, was breaking up, and the right of common, an indispensable part of that system, was divorced from its original purpose, and no longer performed any necessary function.

2. *Effect of enclosure on the condition of the people.*

In the early part of the period we are considering, that is before the middle of the sixteenth century, the indirect evidence tends to substantiate the general charge that enclosure led to a diminution of employment, and a decrease in the population of certain large districts.[1]

Sheep farms grew very rapidly at the expense of land previously in arable, and it is obvious that this led to less employment and depopulation. The great development of the English wool and cloth trade can only have been supported by a corresponding increase in the number of sheep and therefore of pasture. In the latter part of the period local depopulation was still going on as is shown by the rising of the Diggers in 1607; but not to any great extent.

[1] Gonner, *op. cit.*, p. 387.

The depopulation caused by enclosure during the whole period has been summed up by Dr. Gay, who calculates that between 1455 and 1637 some 34,000 men were thrown out of employment, and, allowing the usual proportion of five persons to each adult male, this would mean that 170,000 people were affected in about half the area of England whose total population was about three millions. If these figures are correct it cannot be said that depopulation was very serious; especially as they extend over nearly two centuries. In our time more people, frequently, emigrate in twelve months.

And against this we have to put the case of Devon, Cornwall, and the older enclosed districts where the enclosure of the common was accompanied by a partial reclamation of the waste, whereby each tenant on the manor received a share of the waste, and yet found some remaining on which to turn his cattle. Here there was apparently a positive increase in the number of small holders.[1]

Though we now know that enclosure was by no means confined to the large owners but was also practised by large numbers of the smaller men, it is the former who are accused of oppressive methods. How far were they guilty under this charge?

Professor Hasbach[2] says that the lords attained their ends and yet remained well within their legal rights when they gave notice to quit to the farmers of their demesnes; when they separated out their shares in the open fields and, perhaps, rounded them off by exchange, and bought out some of their neighbours, or when they hedged in part of the waste under the Statutes of Merton and Westminster the Second; or came to an agreement with the freeholders and copyholders about the division of the commons. In all these ways masses of men could be driven off the land without any illegality.

'Illegal evictions', says Mr. Prothero,[3] 'are not included

[1] Johnson, *Disappearance of Small Landowner*, p. 59.

[2] *The English Agricultural Labourer*, p. 34.

[3] *English Farming, Past and Present*, p. 69.

among the grievances alleged by the leaders in any of the risings of the peasants which marked the Tudor period, and their absence from these lists justifies the conclusion that open illegality was, at least, rare.'

Mr. Johnson, in his *Disappearance of the Small Landholder*,[1] agrees with this verdict, but Mr. Tawney says, as regards the commons, 'that in most cases the enclosing of them was carried out in the simplest and most arbitrary way, by the lord or the farmer erecting a hedge round such part of the common pasture as he cared to appropriate, and leaving the tenants to make good their demand that it should be removed, if they could.'

But the law itself gave landowners abundant opportunities of regaining possession of the land, and in the hands of an unscrupulous man such opportunities would be used oppressively, though it is absurd to imagine that landowners were more unscrupulous than any other class. Leaseholders for a term of years, or for lives, had no legal claim to a renewal of their leases when the term of years had expired, or the last life had dropped. Rents might then be raised to an exorbitant sum or a heavy fine exacted, and unless the tenant was prepared to pay the increased charge he had to surrender his holding. Also, until 21 Hen. VIII, c. 25, leases for terms of years could be revoked by the heir of the lessor as soon as he came into possession.

The bulk of the villeins in the common fields had, as we have seen, become copyholders by the end of the fifteenth century, and the legal position of these men at this date has been the subject of much controversy, and is of much importance as they formed the majority of the cultivators. The preponderance of modern opinion seems to be in favour of the conclusions that the copyholder had legal security, and therefore any eviction of a copyholder of inheritance was illegal. That there was illegal eviction we know, but it seems to have been rare. About half the copyholds were for a term of years or for a life or lives, and these at the end of the term, or at the falling of the last life were of course at

[1] P. 71.

the mercy of the lord. And even if copyholds of inheritance were recognized by lawyers in the sixteenth century their renewal was subject to the payment of fines on admittance, which might, unless regulated by the custom of the manor, be arbitrary in amount. It was not until the close of the eighteenth century that the law fixed the limits of a reasonable fine, and if the fines were arbitrary it was easy to make them excessive and oust the copyholder's successor. The figures compiled by Dr. Savine[1] suggest that manors on which copyholders possessed an estate of inheritance and those where they did not were about equal in number; while manors on which the fines were uncertain were more than twice as numerous as those on which they were fixed. Where the fines were fixed the lords had more difficulty in ousting tenants, if they wished to do so, and the more unscrupulous probably tried in that case to prove that copyholds of inheritance were not of inheritance but for life or lives, or to turn them into leases for years. And it must be remembered that for this they had some justification. In the case of copyholds the rents had, in most cases, been fixed at a very low rate, and so had the fine on the admission of an heir to a copyhold of inheritance. Consequently the great depreciation of money at this date gave to such copyholders, as Professor Maitland pointed out, a large unearned increment. An obvious way, therefore, in which the lords could balance matters was to try and prove that the copyholds were for lives and not of inheritance, or to substitute leases for lives or years for copyholds. By the first method they could increase the fines on renewal; by the second they could increase their rents. Mr. Tawney thinks the lords diverted the unearned increment, which the tenants obtained from fixed rents when prices were rising, into their own pockets by greatly increased fines, but the cases he quotes are too few to generalize upon. If they did, they are hardly to be blamed for partaking of some of the increasing profits to be obtained from land and its products. That they did not divert the whole of these profits to their own use is

[1] *Quarterly Journal of Economics*, vol. xix.

proved by the contemporary accounts of the prosperity of many of the farmers. And we must not forget what the Knight told us in the *Commonwealth of England*, that where land was let for lives or long leases the lord might have to wait a long time before the lives dropped or the leases terminated. Thorold Rogers's figures seem to prove that the increase of rents followed but slowly on the steps of increased prices. Prices began to rise rapidly after 1540 but rents not until forty years later.[1]

Maitland, in his account of the manor of Wilburton in Cambridgeshire, gives a good example of the fixity of rents.[2] In 1609 the rents of the copyholds were the same as those fixed in the time of Henry VI, though the value of the land had greatly increased; they were 20*s*. for each 'full land' of 24 acres with a few acres of meadow and pasture rights. In the survey of that year the commercial rent is set against the actual rent of each tenement, and is from six to ten times as much. For the demesne still let at the old rent of £8, although it was estimated that £66 13*s*. 4*d*. was the commercial or rack rent. 'The landowner,' says Thorold Rogers, 'was paying nearly three times as much in the first years of Elizabeth's reign as he paid in the first years of her father's reign and receiving no more rent in the later than he did in the earlier period. . . . From the time of James I, especially after the middle of his reign, a rapid rise in rents ensues.'[3]

Against injustice and oppression even within the law, the tenants on the demesnes and the assarts, or clearings from

[1]

| | | 1401–1540. | 1541–82. |
|---|---|---|---|
| | | *s.* *d.* | *s.* *d.* |
| Wheat | per quarter | 5 $11\frac{3}{4}$ | 13 $10\frac{1}{2}$ |
| Oxen | each | 15 0 | 55 0 |
| Cows | „ | 14 0 | 32 0 |
| Sheep | „ | 1 6 | 3 0 to 4*s*. 6*d*. |
| Wool | per lb. | $3\frac{5}{7}$ | $7\frac{1}{2}$ |
| Hay | per load | 3 8 | 9 6 |
| Arable land (to rent) | per acre | 6 | A slight increase over preceding period. |
| Grass land (to rent) | „ | 2 0 | |

[2] *English Historical Review*, ix. 417 f.

[3] *Six Centuries of Work and Wages*, pp. 350 and 352.

the wastes, were practically defenceless ; and it is probable that they were the principal sufferers by enclosure at this date.

Contemporaries tell us that the methods of the lords were often tyrannical—might was still largely right. Sir Thomas More says that ' husbandmen be thrust out of their own, or else by coveyne and fraud, or by violent oppression they be put beside it, or by wrongs and injuries they be so weried that they be compelled to sell all '. And Fitzherbert declares ' I take God to my recorde that I make this boke only to the intent that the freeholders should not be disherit, nor have their landes lost, nor emberseld, nor encroached by one from another '. Again Harrison, in his *Description of England*, says of the copyholders, that their lords devised ' new means to cut them shorter, doubling, trebling, and now and then seven times increasing their fines, driving them for every trifle to lose and forfeit their tenures '. But the farmers in the open fields were protected in two ways :

(1) The common rights, or common of shack, enjoyed by each over the common fields and the meadows after harvest could only be extinguished by agreement among all the commoners.

(2) The intermixture of strips is recognized as a protection against enclosure by the best sixteenth-century writers. And the eighteenth-century writers insist on both these points, so that common field farmers were not affected so much by enclosure as the demesne and assart farmers.

It was the enclosure acts, which commenced in the eighteenth century, that enabled the process of enclosing the big fields to be completed in two or three years. Before that time the strips of land were gradually consolidated and enclosed by some landlord or freeholder, who also freed the land from common rights.

It appears that the position of the freeholders considerably improved during the sixteenth century. They did not suffer much from enclosure because there was no way of getting rid of them except by buying them out, which was seldom done, though it was an important cause of their diminution in the

eighteenth and nineteenth centuries.[1] The freeholders stood firm because their legal position was unassailable and they, at all events, must have gained largely by unearned increment. They were constantly buying and selling small properties and, be it noted, accumulating them. There was healthy competition unhampered either by the tying up of land by family settlements, or the paralysing influence of the dead hand of the State, and the result was the creation of a sturdy class of men who were the backbone and pride of the country. The class was recruited from the ranks of those leaseholders who, owing to fixity of rents, were able to save money fast out of the increased price of their produce, and buy land therewith. There was thus constant acquisition and consolidation of small holdings and the growth of that yeoman class with whom Chamberlayne and Defoe have made us familiar.

And there was an ever-widening gap between the enterprising and industrious, and the shiftless and lazy. The restraints of the manorial system were gone and those of the common field system were going, both of which had helped the ' lame ducks ', and the infinite difference in the capacity of men could make itself manifest. And it is to be observed that this redistribution and consolidation of holdings was going on in spite of the opposition of the State to enclosure, which was often a necessary preliminary to consolidation. It was a natural movement which could not be checked by artificial means.

Owing to this frequent transfer of land the sixteenth-century village differed from that of the thirteenth and from that of the nineteenth. It was not split up like the former, mainly into villein holdings of regular size, nor like the latter, mainly into large farms, but was composed of holdings of various sizes brought about by the means we have described, which afforded a ladder of progress to the industrious, and remained substantially unaltered until the middle of the eighteenth century.

And, except near the large towns, we may say that nearly

[1] See Tawney, *op. cit.*, p. 28.

the whole of the small farmers at this date, whether they had consolidated their land or not, were ' subsistence farmers ', and, unlike the small holder of to-day, grew corn as their chief product. And these subsistence farmers had an enormous advantage over their modern successors who sell for market in that they escaped the middleman. The small holder of to-day, unless co-operation helps him, or unless he can sell directly to local customers only receives a small portion of the profits on his produce ; most of it going into the pocket of the middleman. But the sixteenth-century small holder was producer and consumer in one, and so obtained the whole profit on what he grew ; it may be said to have all gone into his mouth or on to his back.

To sum up the effects of Tudor enclosure we may say that the area and population affected were small ; that there was very little illegal eviction for the purpose of enclosing ; but a considerable amount of oppression within the law ; that the change in the rural economy, though it seems small to us, appeared of great import to contemporaries ; that there was much enclosure and consolidation by the small man as well as by the great ; that the revolution, though inflicting a certain amount of hardship as was inevitable, was beneficial ; and in the seventeenth century the rural community entered on a period of revived prosperity.

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# CHAPTER XII

## SEVENTEENTH CENTURY

IMPROVED FARMING.—CHANGE OF OPINION ABOUT ENCLOSURE.—ENCLOSURE MOST ACTIVE IN THE MIDLANDS.—THE ENCLOSURE LITERATURE OF THE CENTURY.—THE DEMOCRATIZATION OF THE LAND ARRESTED.—CORN LAWS.—PROGRESS OF ENCLOSURE.—THE DIGGERS' RISING.—THE COMMISSION OF 1607.—ENCLOSURE DISCOURAGED BY GOVERNMENT.—CHANGE OF POLICY.—LOCALITY OF THE MOVEMENT.—METHODS OF ENCLOSURE.

The seventeenth century is marked by a great change in the ideas of profitable estate management which had prevailed in the sixteenth, and in the tone of public opinion with regard to enclosure. Corn and other foodstuffs were found as profitable as wool so that land was more frequently enclosed for tillage, and there was consequently less displacement of labour. From the facts given by Norden and Markham, two of the best of the many agricultural writers of the day, it is evident that there was considerable improvement, development, and variety now shown in English farming, and arable farming was prosecuted with increased energy. And as it was seen that enclosing the land provided an increased supply of food for the people, it appeared to most men to be advantageous to the community.

People saw, at last, that individual and separate farming was much more productive than the common field system which was now, by all practical men, regarded as an obstacle to progress, so that the Tudor policy of legislating against enclosure was gradually dropped. Bacon, in 1592, noticed that there was abundance of grain so that ' whereas England was wont to be fed by other countries it sufficeth now to feed other countries. Another evident proof thereof may be that the good yields of corn which have been, hath of late

time invited and induced men to break up more ground and convert it to tillage than all the penal laws for that purpose made and enacted could ever by compulsion effect.'

The great scarcity between 1593 and 1597 caused a temporary reversion to the former policy in the Statute of 1597, but this was the last of the depopulation Acts, and though the Government in the first part of the seventeenth century seemed uncertain in its policy with regard to enclosure, it gradually veered round, and the tendency in the latter half was to allow land to be turned to its most profitable use. Corn growing became more remunerative than wool, for the latter, after doubling in price in the middle of the sixteenth century, remained stationary all through the seventeenth, whereas corn, the average price of which from 1401 to 1540 was a farthing under six shillings a quarter, was from 1603 to 1702 forty-one shillings a quarter,[1] and the rent of arable land rose from 6*d*. in the former period to about 4*s*. in the latter.[2] Blith, another well-known seventeenth-century writer, says tillage was twice as profitable as grazing.[3] Until quite recently it was thought that enclosure received a check about the end of the sixteenth century, but modern research has proved this to be erroneous. The movement was continuous, and went on steadily through the seventeenth century. But a new period begins with the close of the preceding century owing to the steady growth of improved farming. The towns, though still small, were growing and needed food, and land was enclosed in order to feed them, as well as to allow for the exercise of greater skill in the cultivation of the crops which improved agriculture demanded. Much land had hitherto been brought into cultivation, at little expense, from the waste and the woods, but now the growing class of moneyed men saw that land was a profitable investment and large sums were devoted to reclamation, as in the fen country ; land, in fact, had greatly risen in value and was worth spending money on. Dairying, which had hitherto been in a very elementary state, was now developed

[1] Rogers, *History of Agriculture and Prices*, v. 276. [2] Ibid., v. 92.

[3] Cf. Arthur Young's statement to the contrary, below (p. 145, n. 1).

and for this the open field was unsuited. In the middle of the century came the introduction of roots and artificial grasses from Holland (then the pioneer in agriculture as in many other things), and though their general use was delayed for some time, they began slowly to effect an enormous change in farming methods, and the open fields were badly adapted for their cultivation.

Enclosure was still most active in the Midlands, in Leicester, Rutland, Lincoln, Northants, Nottinghamshire, and Derby ; in the west in Gloucester and Somerset, and in Wilts. In Leicestershire alone 10,000 acres were enclosed in the years 1630–1.

Next came the fen and marsh reclamations in Lincolnshire, north Cambridgeshire, west Norfolk, Huntingdonshire, Northamptonshire, and Somerset. In the latter half of the century the movement continued generally, and it was sought to further it by parliamentary means.

The literature of the seventeenth century on the subject of enclosure is uncertain in its note. Many still cling to the idea that it was harmful, many are convinced that it was beneficial. R.P. (Powell) of Wells, in *Depopulation arraigned*, 1636 ; H. Halhead, in *Inclosure Thrown Open*, 1650 ; John Moore, in *The Crying Sin of England*, 1653 ; Forster, in *England's Happiness Increased*, 1664, belong to the former category ; while Arthur Standish in the *Commons Complaint*, 1612 ; the author of *Considerations Concerning Common Fields and Enclosure*, 1653 ; Jos. Lee, in a *Vindication of Regulated Inclosure*, 1656 ; Blith in 1652 ; Houghton, 1681–1700, and John Mortimer, 1707, all advocate it.

It is probable that these writers were divided into those who were most concerned with the social loss to the country by depopulation, and those who perceived the economic gain from good farming.

Halhead, evidently considering approving for pasture, enumerates the evils of enclosing thus :

1. The overthrow of many churches and congregations ' who by holding up their hands to God might pull down blessings on a nation and divert judgements therefrom '.

2. The decrease of soldiers and horses.

3. Decrease of hospitality, which in the agricultural sense included keeping a large stock of farm servants.

4. Decay of roads since there was no one left to repair them: 'the highways in enclosed parts were for the most part impassable.'

5. Increase of tillerage, for on grassland there was less to do than on tillage.

6. It filled market towns with displaced country people to the great burthen of such places.

7. The destruction of the country tradesmen who had supplied the husbandmen.

Blith[1] states an evil of the common field system, which had not down to his time received much mention, when he says that by the 'not cutting such water courses of such brookes and gutters that are exceeding crooked, which some that would cannot because of others interested that will not, abundance of the best land in this nation is hereby lost, and wonderfull improvements hindered, the waters raised, the lands flooded, sheep rotted, and cattel spoiled.' And he says of the unstinted commons that 'every man lates on at random', and so overstocked them, the poor being crowded out, while owing to this overstocking every four or five years 'you shall observe such a rot of sheep' that the commoners lost all their flocks, a fact confirmed by nearly all the writers of a century later. So much, says Blith, of the common arable fields were taken up by headlands, grass balks, and roads, that a third—or in some places a half—were not cultivated.

But there was no general 'destruction of rural society' in the seventeenth century. Much enclosed land was ploughed and would therefore employ nearly as many men as when open, because though labour was saved by compact several fields, more hands were needed when it was better cultivated and crops were heavier, and until the latter half of the century, owing to the free transfer of land, small holders were multiplying and were themselves among the enclosers. It was not

[1] *Improver Improved*, 1652 edition, p. 5.

until the end of the century that several causes arrested the democratization of the land and changed the tendency in the direction of large farms and large estates. From the reign of Edward IV to the Restoration the change in the ownership of land had been favourable to the middle and lower classes—'the citizens and vulgar men' of Morison.

The lands of the dissolved monasteries had been mainly distributed among courtiers, officials, and others; and the confiscations, compositions, and the Decimation Tax of the Civil War transferred another large batch of estates. Further by the Statute 32 Henry VIII, c. 1, the right to leave by will two-thirds of land held by knight service, and the whole of that held in free socage was first recognized. The estates of the members of the House of Commons in the Long Parliament were three times as large as those held by members of the House of Lords.

That smaller freeholders were also numerous and influential is proved by the fact that during the Protectorate the franchise was restored to the old forty shilling freeholders. We can only conclude that during the early Stuart, as in the Tudor period, though many small holders were driven from the land by enclosure and the consolidation of farms, a large number were planted on it owing to the greater fluidity in the distribution of landed property. The well-known figures of King and Davenant support this view. In 1688 they estimate the number of yeomen freeholders at 160,000, with an average income of £60 to £70 a year, and in addition to these were 150,000 farmers with an average income of £42 10*s*. With their families[1] this gives a total of 1,690,000 people connected with the land through small ownership or tenancy out of a population of about five and a half millions.

From 1660 several causes were at work which were to render land-owning once more mainly an aristocratic business. By the Revolution of 1688 the land-owning classes had attained the supreme influence in the State. It was

[1] The families are estimated at 7 for the freeholders of the better sort; at 5½ for freeholders of the lesser sort; and at 5 for the farmers. King estimates the yeomen freeholders at 180,000.

chiefly they who had effected the Revolution, and it was only to be expected that they would think themselves entitled to take advantage of it. Not that the rising moneyed class, of whom the landowners were already jealous, was insignificant, but they were by comparison far less influential. The greater part of the wealth of England still consisted of land. Several causes combined to increase the wealth and influence of the landowning class at this period. The final abolition of military tenures at the Restoration freed landlords from a burden which had been profitable to the Crown but intolerable to themselves. Then there was the reappearance of the family settlement in the form given it by Sir Geoffrey Palmer and Sir Orlando Bridgeman, which enabled them to tie up their lands and keep them in their families. And about the same time they began to increase their wealth by putting their sons into trade and commerce. In 1617 Morison had written that 'gentlemen disdaine traffic, thinking it to abase gentry', but in 1669 the *Angliae Notitia* tells us that in England 'to become a merchant of foreign commerce without serving any apprentisage has been allowed as no disparagement to a gentleman born especially to a younger brother', and 'to the shame of our nation we have seen of late not only the sons of baronets, knights, and gentlemen sitting in shops, but also an earl of this kingdom subjecting his son to an apprentisage in trade'.

The growing commercial wealth of the country was also transferred to the pockets of the aristocracy by matrimonial alliances. Thus the wealth of the gentry was increased and they desired to increase their estates; the purchase of land, indeed, was the chief method of investment. Family settlements tended to keep the land in their possession; new men, with fortunes made in trade, bought what come into the market, and between the old and the new the small owner began to be squeezed out, and a large number of the small properties, which had been formed in the previous four hundred years, were, in the eighteenth and nineteenth centuries, swallowed up by the big estates.

The power of the landowning parliament, now supreme

in the State, was largely used to advance the interests of the land. Yet we must not blame them for this. The greater part of the income of England still came from the land and its products,[1] and the economists of the time were convinced that measures which increased the rent of the land increased the wealth of the nation, and were therefore best for it.

The general aim of the legislators was to maintain an abundant supply of food at fair and steady prices ; to assist the agricultural industry in which up to the middle of the eighteenth century the great mass of the people were engaged as producers, to prevent the depopulation of rural districts by agricultural depression, build up the commercial and maritime power of the nation, make it independent of foreign food supplies, and maintain a healthy sturdy people for the defence of England.[2] Nor must we forget that this parliament of landowners prohibited the export of wool, for a hundred and fifty years, in the interests of the clothiers to their own loss ; allowed the Land Tax, originally a property tax, to become leviable solely on land ; and in more recent times permitted personal property to evade its share of the rates.

With regard to corn the policy of the landowners, after the Restoration, was directed towards the encouragement of the producer. For the four centuries after the Norman Conquest the English government had controlled the corn trade, on the whole, in favour of the consumer. Export was forbidden, except by state licence, in years of extreme plenty, and there was no restriction on imports. In the fifteenth century the state policy changed in the direction of favouring the producer. In 1436 the statute 15 Henry VI, c. 2 permitted exportation without license when the price of wheat

[1] Davenant, at the end of the seventeenth century, made the following estimate :

| | £ |
|---|---|
| Annual income of England | 43,000,000 |
| Yearly rent of land | 10,000,000 |
| Value of wool shorn yearly | 2,000,000 |
| ,, woollen manufactures | 10,000,000 |

[2] Prothero, *op. cit.*, p. 255.

did not exceed 6*s*. 8*d*. per quarter, and in 1463 the statute 3 Edward IV, c. 2 prohibited the importation of foreign corn when the price of wheat did not exceed 6*s*. 8*d*. per quarter. These laws had little effect on the price of corn, for even in times of scarcity it was difficult to obtain corn from abroad since the policy of neighbouring countries was to prohibit export. And, even when foreign countries wanted our corn it was almost impossible to send them any except from the parts near the sea, since the roads were so bad and the inland trade suppressed by the law. And very often when we had an excess of corn our neighbours were in the same predicament from the fact that then, and for long afterwards, our imports came from the north of Europe whose climate is very similar to our own.

The early Tudor policy was to favour commerce and the middle classes, so export of corn except with a special licence was forbidden in 1491, 1512, and 1533, but in 1554 freedom of exportation was restored when the price of wheat did not exceed 6*s*. 8*d*. a quarter and other grain in proportion, and in 1562 the price at which wheat might be exported was raised to 10*s*., in 1593 to 20*s*., in 1604 to 26*s*. 8*d*., and in 1623 to 32*s*. a quarter ; these regulations affording not only an illustration of the policy of the time but of the increase in the price of cereals. The regulation of corn imports seems to have been neglected during this period, and the corn laws of these two centuries seem to have neither promoted agriculture nor increased the supply of bread. In 1660 the export and import of corn were strictly regulated, and the export of home-grown corn was allowed when wheat did not exceed 40*s*., with a poundage of 1*s*. a quarter on wheat; and the same Act levied a duty of 2*s*. a quarter on imports of wheat when home prices were at or under 44*s*. a quarter, but above that price the duty was only 4*d*. It cannot be said that either of these duties was heavy, and landowners and farmers pressed for more protection, especially as the price of corn had fallen from 67*s*. 9*d*. in 1662 to 33*s*. in 1666 and 1667, and this was granted them by the statute of 1670 (22 Car. II, c. 13) for the Improvement of Tillage. This

imposed an import duty of 16*s.* when wheat did not exceed 53*s.* 4*d.*, while export was allowed at the old poundage of 1*s.* a quarter when wheat was under 53*s.* 4*d.* In 1689 a great revolution in policy was effected by giving a bounty on export of 5*s.* a quarter when wheat was at or under 48*s.*[1] At the same time the former duties on import were maintained and thus agriculture was thoroughly protected, and remained so until the corn law of 1773. This brief account of the corn laws has been given to enable the reader to understand the policy of the Government at this period. And that policy, after the Restoration, and still more after the Revolution, was to encourage the landed interest by every means available. Instead of protecting the corn grower by statutes against the conversion of tillage to grass by enclosure they now protected him by duties and encouraged enclosure.

### Progress of Enclosure in the Seventeenth Century

Let us now trace the growth of the movement in the seventeenth century. In the early part, the conversion of tillage to grass in the Midlands gave rise to great disturbances, and in 1607, according to Stow, ' a great number of persons suddenly assembled themselves in Northamptonshire, then others of like nature assembled themselves in Warwickshire, and some in Leicestershire. They violently cut and broke down hedges, filled up ditches, and laid open all such enclosures of commons and grounds as they found enclosed, which of ancient times had been open and employed to tillage. These tumultuous persons in Northamptonshire, Warwickshire, and Leicestershire grew very strong, being in some places of men, women, and children a thousand together, and at Hillmorton in Warwickshire there were 3,000. These riotous persons bent all their strength to level and lay open enclosures without exercising any manner of violence upon any man's person, goods, or cattle, and wheresoever they came they were generally relieved by the near inhabitants,

[1] The bounty on export had been introduced in 1673 and enforced for six years but then withdrawn as the drain on the Treasury was too great. See *Quarterly Journal of Economics*, Feb. 1910.

who sent them not only many carts laden with victuals, but also good store of spades and shovels for speedy performance of their present enterprize.'

These men called themselves Levellers or Diggers, and issued a proclamation 'to all other Diggers' which shows that they, at all events, had no doubt as to enclosure causing depopulation. 'Encroaching tirants', they protested, would deprive the commonalty both of life and living and 'grind our flesh upon the whetstone of poverty so that they may dwell by themselves in the midst of their herds of fat wethers. They have depopulated and overthrown whole towns and made thereof sheep pastures nothing profitable to our commonwealth.'

But the rising was not very serious; there was a skirmish with the royal troops; the leader of the Diggers, John Reynolds, was taken and hanged, and many of his followers suffered death.

This rising led to the appointment of another enclosure commission to inquire into enclosures since the twentieth year of Elizabeth, and their report throws a valuable light on the progress of a great economic change. They were sent to seven counties—Northamptonshire, Warwickshire, Leicestershire, Huntingdonshire, Bedfordshire, Buckinghamshire, and Lincolnshire—but the returns for Lincolnshire are missing. These midland counties were the section of England where the evils of enclosure had been most rife. From the inquisition we learn that the enclosure of the common pastures and wastes was not much complained of; the chief grievance was the enclosure of common fields. Further, the engrossing of farms was a feature of the movement on which stress must be laid. The writer of the *Consideration* of 1607, indeed, says that the evil is not enclosure of itself but farm engrossing. As to the commons, although the enclosure of common arable fields was the principal subject of complaint, that of commons was also naturally resented and was going on at this date, but the commissioners did not think it worth while to inquire into it. The returns bring out the significant fact that small

enclosures, those under 100 acres, were no less than 47·5 of the total, and the number of total and complete clearances is small. Piecemeal enclosure and small farm engrossing was the rule and these were being effected to a large extent by small landholders, and this characteristic was even more strongly marked in the returns of the commission of 1517 as the following table shows :[1]

THE FIVE MIDLAND COUNTIES REPORTED ON IN BOTH INQUISITIONS. ACREAGE AFFECTED BY ENCLOSURE.

| | *Total No. of Places.* | 1–99 *acres.* | 100–499 *acres.* | 500–999 *acres.* | *Over* 1,000 *acres.* |
|---|---|---|---|---|---|
| 1517 . . . | 338 | 198 | 130 | 9 | 1 |
| 1607 . . . | 341 | 162 | 157 | 15 | 7 |

The chief conclusion arrived at by perusing these figures is that the popular outcry against those 'encroaching tirants who grind our flesh upon the whetstone of poverty so that they may dwell by themselves in the midst of their herds' is an exaggeration ; and that enclosure, at this date was largely a small holder's movement. During the reigns of the first two Stuarts the anxiety about depopulation and scarcity of corn from enclosing displayed itself in undiminished force. The Commission of 1607 summoned the chief offenders before the Council, and bonds were taken out that they should rebuild those houses which had fallen into decay, while two commissions were appointed in 1608 to compound with enclosers, and inquiries as to the extent of the movement were made in the Midlands, in Yorkshire, and probably in other counties. Where there was discontent, and depopulation was feared, the judges of assize and the Privy Council prevented enclosures and compelled remedial methods to be adopted.

In 1624 many of the tillage laws were repealed,[2] but this only led to a temporary cessation of repressive measures, and the policy of the Government suffered no definite change. In 1630 letters were sent from the Council to the justices of Derbyshire, Huntingdonshire, Leicestershire, and Northamp-

[1] *Transactions R. H. Soc.* New series, xviii, p. 219 f.

[2] By 21 Iac. I, c. 28.

tonshire which said that the Council had received information of enclosures in these counties, and the conversion of arable into grass; therefore all enclosures made in the last two years were to be removed, and offenders were subsequently told that they would be called to strict account.

Three more commissions were issued, and, the tillage laws having been repealed, it was decided by the Star Chamber that depopulation was an offence against the common law. According to the returns to the commissioners' letters of 1630 and 1631 enclosure in Leicestershire was proceeding at a very rapid rate, 10,000 acres being enclosed in two years—or nearly 2 per cent. of the county's area—and most of it was converted to pasture. In Northamptonshire enclosure was proceeding in the same manner as in Leicestershire, but in Huntingdonshire and Nottinghamshire the area affected was small, and the prevalent kind of enclosure was not of whole lordships but the hedging and ditching of little areas, and the land in Huntingdonshire remained chiefly under the plough.

In 1633–4 it was proposed that all enclosures made since 16 Iac. I should be thrown back into arable on pain of forfeiture, save such as were compounded for, and from 1635 to 1638 compositions were levied in respect of depopulation in various counties of which an account is fortunately preserved. Some 600 persons were fined during this period, chiefly in Lincolnshire, Leicestershire, and Northamptonshire, and it may be said that it was chiefly in the Midland counties and in Lincolnshire that the Government took action, and by their action certainly imposed some check on the movement. This is proved by the evidence of contemporaries, and by the number of private acts still required to enclose the district in the eighteenth and nineteenth centuries.

The attempts of the Government to control enclosure ceased with the outbreak of the Civil War. Under the Commonwealth, however, attempts were made to revive the old restrictions, or at least to regulate enclosure so as to secure the advantages of severalty while safeguarding the

interests of the poor. A general enclosure Bill was prepared and read a first time but afterwards rejected, and from this time forward the movement proceeded unchecked by the Government, and soon received its active encouragement. There was during the latter half of the century widespread enclosure, especially in the last two decades.[1]

Besides the conversion of the arable fields into pasture and the enclosure of the common pasture, there was during the century much enclosure of land from a wild condition; nor must the reclamation of large quantities of land by drainage in the fens be forgotten. The following counties were the chief scene of the movement in this period:

| | | |
|---|---|---|
| Warwick | Derby | Norfolk |
| Leicester | Notts. | Durham |
| Northants | Rutland | Cornwall |
| Hunts. | Wilts. | |

and a less amount went on in:

| | | |
|---|---|---|
| Bucks. | Hants | Gloucester |
| Berks. | Somerset | Yorkshire (part of) |

and perhaps other counties in the north.

There was also scattered enclosure throughout the country generally, though we must not forget that Suffolk, Essex, Hertfordshire, Shropshire, Cheshire, Cornwall, and Somerset were highly enclosed at the beginning of the century.

In the seventeenth century there were several methods of enclosing land.

The waste was generally enclosed by approvement, a power only belonging to the lord of the manor, which we have seen was regulated by the Statutes of Merton and Westminster the Second, but this method was less used as time passed.

As to the common fields, sometimes the lord would enclose his own lands leaving that of the tenants still in common; at other times the tenants enclosed land piece by piece, and there is an Act of James I confirming this practice

[1] Gonner, *op. cit.*, p. 176.

in a part of Herefordshire.[1] There were also a few private Acts in the reign of Charles II.[2] A very useful method was by agreement between the lord and his tenants, either with or without the authorization of the Courts of Chancery or Exchequer. Often, as we have seen, a suit was commenced in Chancery to bring pressure upon those who were unwilling to enclose. However, it was found that decisions in Chancery did not bind a dissentient minority[3] and this led to the demand for the promotion of a bill to make such decrees valid, and so led to private acts. Application to parliament was furthered by the constitutional development which made parliament and not the crown the real governing power in the realm.[4] In 1666 a bill was introduced in the Lords 'for confirming of enclosures made by decrees in Courts of Equity', but this was dropped after being sent to committee. Had this been passed into an Act it is possible, says Professor Gonner, that the most active period of enclosure would have been anticipated by nearly a century, while on the other hand it may be doubted if resort would have been had to private acts for this particular purpose. In 1664 a bill 'to inclose and improve commons and waste lands was only rejected in the Commons by 105 to 94.

Again, enclosure was accomplished by the simple process of the lord getting all the common fields into his own hands (by the falling in of leases, purchase, &c.), and then enclosing them without any agreement.

In 1681 the idea of a general act dealing with enclosure was advocated by John Houghton, the well-known writer on trade and agriculture, whose idea was to pass an Act giving general permission to enclose, which would have obviated the need of the endless series of private acts which

[1] 4 Iac. I, c. 11. Owners and farmers were allowed to enclose one-third of their meadow and pasture land.

[2] The Act of 16 Charles II, c. 5, for enclosing Malvern Chase was more an act of regulation than enclosure, according to the *General Report on Enclosures of 1808*, p. 55.

[3] The Inkpen Act of 1736 quoted below, p. 153, says the agreement could not be made valid and effectual without an act of parliament.

[4] Gonner, *op. cit.*, p. 55.

was soon to commence. But nothing came of it, and no more progress was made until 1801, when an act was passed which, however, was nothing more than a general and uniform enactment of certain clauses which experience had shown to be necessary in private acts, thus facilitating enclosure by private acts, but not putting an end to them ; nor was finality attained until the General Enclosure Act of 1845.

# CHAPTER XIII

## THE EIGHTEENTH CENTURY. RURAL ENGLAND

THE VARIOUS CLASSES ON THE LAND.—THE STATE OF AGRICULTURE.—PRICES OF WHEAT.—AREA IN WHEAT.—GROWTH OF POPULATION.—MORE CORN LAWS.

The England of the beginning of the eighteenth century was a very different country from that which we know. Indeed, it much more resembled the England of the Middle Ages. 'Could the England of 1685', says Macaulay, 'be by some magical process set before our eyes we should not know one landscape in a hundred, or one building in ten thousand. The country gentleman would not recognize his own fields . . . many thousands of square miles which are now rich corn land and meadows, intersected by green hedgerows and dotted with villages and pleasant country seats would appear as moors overgrown with furze or fens abandoned to wild ducks.' Three-fifths of the country was still in open fields; at 'Enfield, hardly out of sight of the smoke of the capital, was a region of five and twenty miles in circumference which contained only three houses and scarcely any enclosed fields.' The amount of waste land was very large. Gregory King calculated it at ten million acres besides three million acres of forests, parks, and commons, but his figures are only estimates as are those of the Board of Agriculture in 1795 which put the waste land in England and Wales at a little under eight million acres.[1]

[1] King's figures are contained in his estimate of 'The Land of England and Wales and its Products in 1688':

| | *Acres.* | *Rent per acre.* s. | d. |
|---|---|---|---|
| Arable land | 9,000,000 | 5 | 6 |
| Pasture and meadow | 12,000,000 | 8 | 8 |
| Woods and coppices | 3,000,000 | 5 | 0 |
| Forests, parks, and commons | 3,000,000 | 3 | 8 |
| Heaths, moors, mountains, and barren land | 10,000,000 | 1 | 0 |
| Houses and homesteads, gardens and orchards, churches and churchyards | 1,000,000 | | |
| Rivers, lakes, meres, and ponds | 500,000 | | |
| Roads, ways, and waste lands | 500,000 | | |
| Total | 39,000,000 | | |

It is from contemporary accounts of various localities that we can see the difference between 'then and now'. In 1734 the forest of Knaresborough surrounded Harrogate so closely that 'he was a cunning fellow who could find his way to the 'Spaws'. In 1791 the Weald of Surrey was marked with posts as guides to letter carriers. Great tracts of Derbyshire were desolate.

In short, England was mainly an agricultural country with its agriculture still rude and primitive, and large areas still in a wild state. There was no Black Country, no smoky Lancashire or West Riding, most of the towns were small market towns frequented by the farmers around, and the

Against this we may set the returns of the Board of Agriculture for 1914, Cd. 7325, p. 28:

| *England and Wales.* | *Acres.* |
|---|---|
| Total area (excluding water) | 37,138,765 |
| Total acreage under crops and grass (not including mountain and heath land) | 27,129,382 |

Another table (p. 6) accounts for 88 per cent. of the total area:

| | *Acres.* | *Percentage of total area.* |
|---|---|---|
| Arable land | 11,058,233 | 29·8 |
| Grass land | 19,876,415 | 53·5 |
| Woodlands | 1,884,068 | 5·1 |
| | 32,818,716 | 88·4 |

In this latter table 'grass land' includes not only the area described as under 'permanent grass' in the agricultural returns but also 'mountain and heath land used for grazing' which amounts to about 3,800,000 acres. The Report of the Select Committee of the House of Commons of 1913 (H.C. 512 and 85), estimated the area of common or waste land then remaining at 2,000,000 acres, nearly the whole of which apparently comes in the above quantity of 'mountain and heath land used for grazing'. We may assume, indeed, that this mountain and heath land answers to the old common or waste, and there is to-day about 4,000,000 acres of it.

Out of the total area there, therefore, remain 4,320,049 acres unaccounted for, and these include all holdings of one acre or less which do not come under the agricultural returns, and are chiefly made up of urban areas and land used for mining, railways, roads, manufactures, and other industrial and commercial undertakings, as well as a certain proportion of land absolutely barren and waste. Assuming that this barren land amounts to 1,000,000 acres we have a total of 5,000,000 acres of common, waste, and wild land in England and Wales to-day. Since 1795, when the Board of Agriculture estimated the wastes at a little under 8,000,000 acres, about 1,300,000 acres have been enclosed by Acts of Parliament and a large area by private agreement. Taking this into account the Board's figures in 1795 appear rather too high.

modern manufacturing town was almost unknown. The great contrast lay between the North and South, the South being wealthy and well peopled, the North poor, scantily inhabited, and behind the times. All this was to be changed by the Industrial Revolution that commenced in the middle of the century and changed England from an agricultural into a manufacturing country. The village of the eighteenth century, before enclosure, was more distinctly graded than the village of to-day. The great landlords spent much of their time, as they do now, in London and abroad, but also lived in the country part of the year devoting themselves to the care of their estates, and often to farming, though many neglected their duties in this respect. The smaller gentry (and at the beginning of the century the squire with £300 a year was well off) were rooted to the soil because of the smallness of their incomes and they shaded into the well-to-do yeomanry, as these again did into the poorer. This class, which was still very numerous even at the end of the century, included men of very different economic and social standing, some being better off than many of the squires, others in the position of small peasant owners.

Then there were small freeholders who owned a cottage, sometimes with a garden, or close, or orchard attached, and sometimes with rights on the common—sometimes without either. These men, a very numerous class, according to the enclosure awards, seem to have been either agricultural wage labourers or ' manufacturers ', that is, men engaged in various industries then mainly carried on in the country who worked, sometimes independently, sometimes for the capitalist merchant or tradesman.

The connecting link between the freeholders and tenant farmers was formed by the copyholders whose financial position also varied greatly, and it may be said that copyholds of inheritance by fine certain were nearly equivalent to freeholds. The tenant farmers held by various tenures : for life or lives (usually three), for terms of years, often by yearly agreements and at will ; and the size of their farms varied greatly from the large holding of several hundred

acres to the small one of 50 acres or under, but the middle-sized and small farms were most numerous.

Beneath the tenant farmer were the tenants of cottages and a few acres of land who eked out their living by occasionally working for wages. It is, however, difficult to say whether those who are called 'cottagers' were small farmers or day labourers—most of them apparently were of the latter class.

There was thus a ladder for the enterprising to climb, and there were many more districts where the ladder was available than there are to-day. But it is a mistake to say that in modern England there is no chance for the labourer to rise. About 65 per cent. of the holdings are under 50 acres,[1] and above them are numerous farms of various sizes. The difference between 'now and then' is that the gradation was to be found almost everywhere, in many districts where it no longer exists. But that the thrifty and industrious can still rise even from the ranks of the labourers is abundantly proved. Applicants for small holdings under the Small Holdings Act of 1908 have generally been expected to produce evidence that they have a capital of not less than £5 for each acre they apply for, and the Report on Small Holdings of 1908 [2] says 'the inquiries of the various sub-committees have made it clear that there are a great number of persons all over the country who have ample capital to take up small holdings with every prospect of success, and the evidence of the unsuspected thrift of the rural population has been very striking. In many cases the applicants have kept their savings at home, and when called upon to produce evidence of their means have taken bags of sovereigns to show to the sub-committee.' Thirty-four per cent. of these small capitalists were agricultural labourers.[3] Again, the Report of 1910 [4] states that in districts where wages are good, and especially where piece work is customary, 'if a young labourer who lives at home and does not marry too early determines to save money, it is not impossible for him

[1] See the Report, Cd. 8243, of 1896; and cf. p. 287, below.
[2] Cd. 4846, p. 7. [3] Ibid., p. 8. [4] Cd. 5615, p. 5.

as is proved by several cases that have come under our notice to accumulate £100 or £200 in ten or fifteen years.'[1] And the small number of people who are still really familiar with country life know that there are many farmers who began life as labourers.[2]

Outside the eighteenth-century community were the 'squatters'; men who had encroached on the common, by building a hovel and perhaps clearing a piece of land through the apathy or generosity of the lord of the manor, or of those who possessed common rights, a class of people almost universally condemned by contemporaries and on whom a vast amount of pity has been wasted. Nor must we forget the large number of 'farm servants', generally hired by the year, who were boarded in the farm-house, and received a fixed yearly wage, working all their time for the farmer. These men, it is said, were necessary for the cultivation of the common fields,[3] and it is obvious that they formed a large class of landless labourers.

## English Agriculture

The eighteenth century was one of great progress in the art of agriculture in England, and it is associated with six famous names—Jethro Tull, Lord Townshend, Bakewell of

[1] The report alludes to the practice of secret hoarding at home by the labourer, 'Many applicants supposed by their neighbours to be entirely without capital have been found to possess comparatively large sums in cash which they keep at home, and we have been informed by the Clerk of one of the County Councils that he never saw so much gold in his life as he did when he spent some weeks in visiting the applicants for small holdings and inquiring into the extent of their capital.'

At a meeting of the Surveyor's Institution held in February 1914, one speaker instanced an estate in Devon where out of 150 tenant farmers 58 had risen from the position of day labourers, and another speaker knew 30 tenant farmers who had been labourers. These instances are no doubt exceptional, but the labourer can, and does still, rise by industry and economy.

[2] For many instances of 'Men who have Risen', see *Facts about Land* (John Murray), p. 132.

[3] See Hasbach, *English Agricultural Labourer*, p. 83, quoting Stone, *Suggestions*, p. 29.

Dishley, Arthur Young, Coke of Norfolk, and the Collings; and the improvements which these pioneers initiated and fostered may be summed up in the adoption of improved methods of cultivation for which Tull and his system of drilling and thorough pulverization was mainly responsible; the introduction of new crops, the reduction of stock breeding to a science, the improvement of means of communication, and the enterprise of landlords and large tenant farmers.

As the Industrial Revolution fostered the growth of large businesses at the expense of small ones so did the contemporary agricultural revolution favour the growth of the large, at the expense of the small, farm. There had been large farms before but now they were looked upon as the most economical unit and small holdings were despised. It was impossible to lay field to field without enclosing so that the prevailing doctrine of the efficacy of the large farm gave a great impetus to the movement; and the high price of corn in the latter part of the century, and at the commencement of the nineteenth, supported the advocates of big holdings, since on them corn can be most economically grown. And the growth of more corn was imperatively demanded by a rapidly increasing population.

Although England, at the Peace of Versailles in 1783, had emerged from the contest with America and France with her maritime supremacy more firmly established than ever, the minds of her people were haunted with the fear lest her foreign supplies of corn should be interrupted, as it was about at this time that England ceased to be a corn-exporting country.

Consequently, great efforts were made to grow at home as much corn as possible by increasing the area of tillage, efforts which were so successful that England for many years continued to be almost independent of foreign supplies; in fact she was so except in bad seasons. This increase of tillage was mainly effected by enclosure which made many good arable fields out of commons, while at the same time it turned many acres of poor pasture into good grazing and mowing lands, and much good arable was converted to grass.

In 1770 Arthur Young [1] estimated that the cultivated land of England was equally divided between pasture and arable, and as we have no trustworthy statistics for many years after this, his opinion on the point is the best we have, though we must always be cautious in accepting any uncorroborated opinion of his in matters of fact or statistics. The conversion of a large portion of the rich arable land into grass which had then recently taken place was balanced, said Young, by the conversion on enclosure of poor sandy soils and heaths or moors into corn land.

Before the war with France which broke out in 1793 there was little inducement to increase the area of tillage as the price of corn was low. In 1771 the average price of wheat was 48*s*. 7*d*. a quarter and it remained at about that price until 1776 when it fell to 39*s*. 4*d*., and three years later was as low as 34*s*. 8*d*. ; but though it recovered from this low figure there was no great increase in price until 1795 when the average price after two years of war was 75*s*. 2*d*. The price of wheat for the twenty-two years before the war, as compared with the price for the twenty-two years of the war, affords a striking contrast ; for the former period the average was 46*s*. 8*d*. a quarter, for the latter 80*s*. 7*d*. But if the price of corn went up during the war so did the price of meat ; in 1773 the usual price of butchers' meat was 4*d*. a lb., and by 1800 it was 9*d*., and later on 1*s*. At Greenwich Hospital in 1770 the contract price per cwt. for meat was £1 8*s*. 6*d*., and in 1800 £3 4*s*. 4*d*. The average price of meat, therefore, rose more than that of wheat, and on this ground there can have been no inducement to the farmer to break up any good—or even fairly good—grass land.

At the same time, the demand for meat and dairy produce diminished owing to the fact that the working classes, having so much to pay for bread their principal food, had little left to spend on meat, butter, and milk, so that there was a much greater demand for corn, and perhaps the farmer was induced by the occasional very high price of wheat, which once

[1] *Northern Tour*, iv. 340.

touched 25*s*. a bushel, to try the excitement of a gamble[1] in such a speculative crop. Again, as Arthur Young's son wrote in 1808, 'the return is speedy and certain in tillage; in live stock it is distant and uncertain.'

Yet, until the end of the eighteenth century, there was apparently little increase of wheat land, the great increase taking place after 1800. The committee of the House of Commons appointed to consider the high prices of food in December 1800 showed that in the previous forty-five years the area in wheat on all land enclosed by private Acts had increased by 10,625 acres.[2] But these figures leave out the land enclosed by other than parliamentary enclosure during that period, and all the land enclosed before it, upon which crops might change greatly, so that they are not conclusive concerning the amount of wheat grown.

Again, the General Report of the Board of Agriculture of 1808 deals with the wheat grown on all commonable lands enclosed by Act between 1761 and 1799, leaving out cases where waste only was enclosed (which would probably be turned into tillage), and shows a decrease of 16,387 acres. But neither are these figures conclusive, and as far as wheat-growing goes show no decided change; but there was a great increase after enclosure in the growth of oats and barley as is shown by an inquiry made by the Board of Agriculture, and many contemporary writers bear witness to the increase of corn growing.[3]

The population of England after the Industrial Revolution was constantly overtaking the food supply, and increased from five and a half millions in 1688 to nearly nine millions in 1801, and by 1821 it was twelve millions; and it was noticed by contemporaries that the demand for food per head

[1] Arthur Young, in *The Farmers' Letters*, i. 372 (about 1770), says the profits of grass land were much higher than those of arable. Lately, Mr. Strutt's figures show just the opposite. And compare Blith's statement, above, p. 124 n. 3.

[2] See *General Report of Board of Agriculture, 1808*, Appendix XI; these figures are there said to be taken from 1,213 parishes.

[3] See Levy, *Large and Small Holdings*, p. 14 f.

was much increased.[1] In 1773 this led to a corn law that allowed the import of wheat when it was over 48*s*. a quarter at a nominal duty of 6*d*., and when wheat was above 44*s*. export was prohibited. This was the nearest approach to free trade until 1846.

But foreign supplies were, in spite of the anxiety of the legislature, as yet not very necessary. In 1783 it was stated by the Committee on the Import and Export of Corn that the average wheat crop in Great Britain exceeded the consumption by one-twentieth, and in a good year by one-eighth.[2] In 1791 there was a return to the policy of stimulating home production by an Act which imposed a prohibitory duty when wheat was under 50*s*., and this in 1804 was raised to 63*s*. and in 1815 to 80*s*.

This was the halcyon time for the wheat grower : at one time wheat touched 25*s*. a bushel, and all sorts of land was adapted to its growth, and enclosure still went on apace ; no less than 1,593 Acts being passed between 1795 and 1812, and to this must be added a large amount of non-parliamentary enclosure by private arrangement and individual enterprise.

[1] And according to Sir Francis Eden, and Smith, the author of the Corn Tracts, wheaten bread was more largely eaten instead of that made of rye and barley. Homer, in 1766, says that the common people, lately contented with barley, or barley and wheat, then ate bread wholly made of the best wheat.

[2] *Parliamentary Reports*, ix. 28.

# CHAPTER XIV

## THE GENERAL CHARACTER OF ENCLOSURE IN THE EIGHTEENTH AND NINETEENTH CENTURIES

DIFFERENCE BETWEEN EIGHTEENTH-CENTURY ENCLOSURE AND TUDOR ENCLOSURE.—AREA ENCLOSED IN EIGHTEENTH AND NINETEENTH CENTURIES.—PROGRESS OF THE MOVEMENT.—GROWTH OF THE PRIVATE ACT.—THE GENERAL ENCLOSURE ACT OF 1801.—THE PROCESS OF PARLIAMENTARY ENCLOSURE.—THE PRACTICAL BUSINESS OF ENCLOSING.—ITS COST.

With the reign of Queen Anne we enter on a new epoch in the history of our subject, which presents several points of contrast with that which preceded it. Under the Tudors and early Stuarts enclosure was opposed, and partly arrested, by the legislature; in the new era it received parliamentary support and encouragement. The Tudor enclosures were mainly effected for the purpose of the woollen trade; those of the Georgian period for the production of bread and meat for the growing manufacturing towns.[1] The conversion of arable land into great sheep runs under the Tudors often meant retrogression; in the eighteenth and nineteenth centuries enclosing generally meant improved farming. In the former period landlords spent little money in improving their lands, but in the latter the chief motive for enclosure was the improvement of the productive capacity of the land by expending capital upon it; as Arthur Young said, 'they converted barren heaths into smiling cornfields.' Again, while the enclosures of the sixteenth and seventeenth centuries were often only the partial enclosure of the lands of individuals, those of the later period affected all the land in the parish or manor.

[1] Prothero, *op. cit.*, pp. 56–7.

The rate of enclosure after the beginning of the eighteenth century may be gathered from the following table : [1]

| | *Common field and some waste.* | | *Waste only.* | |
|---|---|---|---|---|
| | | *Acreage.* | | *Acreage.* |
| 1700–60 . . . | 152 Acts | 237,845 | 56 Acts | 74,518 |
| 1761–1801. . . | 1,479 ,, | 2,428,721 | 521 ,, | 752,150 |
| 1802–44 . . . | 1,075 ,, | 1,610,302 | 808 ,, | 939,043 |
| 1845 and after . | 164 awards | 187,321 | 508 awards | 334,906 |
| Total . . . | 2,870 | 4,464,189 | 1,893 | 2,100,617 |

The extent of the movement in this period will be best appreciated by comparing the area affected by these Acts with that affected by the enclosures of the fifteenth and sixteenth centuries. In the earlier period the maximum percentage of enclosure in any one county was 8·94 per cent., and that was only reached by four counties ; in the latter period in fourteen counties the percentage enclosed by Acts enclosing common field and some waste rises as high as from 25 to 51·5 per cent. Between 1455 and 1637 744,000 acres were estimated to have been enclosed, or 2·1 per cent. of the total area of England ; in the eighteenth and nineteenth centuries over six and a half million acres of common fields and commons were enclosed by Acts of Parliament, or nearly 20 per cent. of the area of England, besides many acres enclosed without the sanction of Acts.[2] These estimates are founded on the tables of Dr. Gay for the first period, and on those of Dr. Slater for the second, and both are partly hypothetical, but in spite of this there is no doubt that the enclosing movement of the eighteenth and nineteenth centuries was of much greater extent than that of the fifteenth and sixteenth.[3]

The progress of the movement was at first slow. In Queen Anne's reign only 2 Acts were passed ; under George I, 16 ; under George II, 226 ; then came a large increase, and under George III there were no less than 3,554 Acts.

[1] Johnson, *Disappearance of Small Landowners*, p. 90.
[2] *Ibid.*, p. 90 f.
[3] See Appendix VI.

A glance at the table above shows that the great period for the enclosure of the common fields was from 1761 to 1801, and it had nearly come to an end in 1844 ; but it was between 1802 and 1844 that most activity was seen in the enclosure of the common or waste, and a considerable portion of the same was enclosed after 1845. Most of the enclosure of common field in the period we are now considering took place on the Great Central Plain which had been the chief area of enclosure in the Tudor and Stuart period, extending from the borders of Somerset and Dorset, through the Midlands, to East Yorkshire, Lincolnshire, and Norfolk. Of common and waste there was more enclosing in the four northern counties and Somerset than anywhere else.[1]

It is very difficult for the twentieth-century Englishman to understand that nearly half the cultivated area of the country was still in open field and hedgeless in the middle of the eighteenth century, and that in 1794 some counties were still almost entirely under that mode of culture. If the agricultural labourers and small tenant farmers had had votes in the eighteenth century we may be sure many of the enclosures would not have been effected, and it is quite possible that through the short-sighted policy of enfranchised ignorance we might still be suffering from the wastefulness of the common and the open field.

### The Growth of the Private Act

The Revolution of 1688 having put an end to the personal rule of the Crown and established the supremacy of Parliament, it was from Parliament instead of from the Crown that sanction for enclosure was henceforth sought, and with the reign of Queen Anne we enter on the long era of enclosure by private Act of Parliament which lasted until 1845.

At first the private Act was ' rude and elementary in form, and in its early stages was often merely a method of recognizing agreements which had been registered in Chancery or

[1] For the proportion enclosed in each county after 1700 see below, chap. XVI.

carried out without dispute.[1] It is contained in a few pages, whereas later Acts run to thirty, forty, or even fifty pages.

The Report of the Committee on Waste Lands of 1795[2] says that Chancery suits had then been long[3] disused owing to the difficulties and expense of such proceedings, and no other general means of obtaining a division of commons having been sanctioned by law, the parties have been compelled, where a unanimous consent could not be procured, to apply for special Acts.

As experience was gained the Acts naturally showed a considerable development and a uniformity in certain important points, some of which were incorporated in the Act of 1801.

Those points related to the appointment of commissioners, the method of procedure of these commissioners, the making of roads, the mode of allotment, rules as to hedging and ditching, the apportionment of expenses, the enrolment and custody of the award.

The commissioners were bidden to act with impartiality, and by about 1760 it became the custom to insert in the Act a solemn oath which they were to take for that purpose ;[4] while about the same time a regular survey of the lands to be enclosed was enjoined, and next the commissioners are empowered to appoint a surveyor. The commissioners in early Acts sometimes acted as surveyors themselves.

One of the earliest duties allotted to the commissioners was the laying out of roads, first public, and then private,

[1] See Appendix, p. 312. The first Enclosure Act of the modern pattern was passed in 1606 (4 Jas. I, c. 11) by which certain Herefordshire parishes were allowed to separate and enclose one-third of the land lying in common in each parish.

[2] See p. 208.

[3] Yet Homer, in his *Essay on Enclosure*, writing in 1766, says that besides the private Act, enclosure was, in his time, brought about ' by the general consent of the proprietors interested therein, in which case a deed of mutual agreement confirmed by the Court of Chancery is sufficient to establish the exchange of property ', p. 42.

[4] In many Acts the commissioners precluded themselves from purchasing land for five years within the parish where they were to act. See Garnier, *Landed Interest*, p. 221.

instructions as to their respective width and their fencing forming part of many Acts.

It soon became customary to insert in all Acts a proviso that the allotment of lands was to be made with strict impartiality, and was to be accepted in full compensation of all claims. By 1760 private Acts had attained a fairly regular form, mainly owing to the practice of always sending the Bill to a committee ; and a little later certain standing orders passed by the House of Commons enjoined certain clauses in all Bills.

However, enclosure, though greatly accelerated, was still slow, the methods often bad and the expense heavy, so that many people, including Arthur Young and William Marshall, were in favour of a general Act, and in 1795 a committee under Sir John Sinclair, the President of the new Board of Agriculture, was appointed 'to take into consideration the cultivation and improvement of the waste, uninclosed, and unproductive lands of the Kingdom', and it presented its report in the same year.

This led to a Bill being introduced next year to facilitate the division and enclosure of waste lands and commons by agreement, and for removing certain legal disabilities, but though getting as far as the report stage, it fell through, and in 1797 two more Bills met the same fate. The Bill of 1796 was strongly opposed by those who were interested in maintaining the existing system. One of the Board's reporters [1] sarcastically asks, 'what would become of the poor but honest attorney, officers of Parliament, and others who obtain a decent livelihood from the trifling fees [2] of every individual Enclosure Bill—all these of infinite use to the community, and must be encouraged, whether the wastes be enclosed or not. The waste lands, in the dribbling, difficult way they are at present enclosed, will cost the country upwards of 20 millions to these gentry, &c., which on a general Enclosure Bill would be done for less than one.'

The first of the Bills introduced in 1797 is said to have been

[1] Brown, *West Riding*, Appendix I, p. 14.

[2] For these 'trifling' fees see Hammond, *Village Labourer*, p. 76 n.

wrecked by the opposition of the tithe owners, for enclosure usually extinguished tithe by an allotment of land in lieu thereof. This commutation was disliked by the tithe owners,[1] who were supported by the House of Lords which rejected the Bill. The second Bill did not get beyond the committee stage in the Commons. This opposition to a general enclosure Bill led to a change of plan, and a consolidating Bill to cheapen procedure was introduced instead.

The necessity for feeding the country, which had become increasingly imperative owing to the war with France, led to a great increase of enclosure, and the desire to lessen the expense of the process became more pronounced, so that in 1801 the Bill for 'consolidating in one Act (41 Geo. III, c. 109) certain provisions usually inserted in Acts of enclosure' rapidly passed both Houses.

By this Act private Acts were simplified by taking many clauses usually found in private Acts, and providing that they should be incorporated by reference in all private Bills, but it is doubtful if their expense was reduced. At any rate, we may now consider that the private Act had received its final shape.

## Parliamentary Methods of Enclosure in the Eighteenth and Nineteenth Centuries

The ordinary procedure by which open fields or commons were enclosed by Act began, as a rule, with a public meeting called by advertisement, which either considered a petition already prepared, or empowered one to be drawn up. The draft was then prepared, and signatures to it obtained, and the Petition was presented to Parliament. The signatures were those of the lord of the manor, the tithe owners, and of a number of other persons interested; but a majority in number of such persons was not required—only a majority in values. The parliamentary committee of 1800 on enclosures reported that there was no fixed rule; that in some cases three-fourths was required, in others the consent of

[1] Yet they are said to have been the chief gainers by enclosure.

four-fifths, but this refers not to the number of persons but to the value of the property, calculated sometimes in acres, sometimes in annual value, sometimes in assessment to the land tax, sometimes in assessment to the poor rate.[1] Thus one owner who possessed three-fourths or four-fifths, as the case might be, could override the wishes of all the others ; but there is little trace of this in the Acts which usually contain a goodly number of names.

The Act of 1736 for enclosing the common fields of Inkpen, Berkshire, is interesting as showing the number of owners who might be found in a parish or manor at that date. There were thirty-three in all who comprised, besides the lord of the manor and the rector, four who were called ' esquires ', three ' gentlemen ', eleven ' yeomen ', a ' cord-wainer ', a ' haberdasher of hats ', a carpenter, blacksmith, labourer, potter, bricklayer, maltster, shopkeeper, two widows, a spinster, and the churchwardens.

The petition, or application, for an Act involved expense, and some one had to be found prepared to incur this in case of the failure of the scheme, when the cost fell upon the promoters, though it may be said that very few schemes failed.

The men who were able and prepared to meet the preliminary expenses were naturally the large landowners, and this being the case it was their wishes and interests that were specially observed in framing the petition, so those of the small owner did not carry much weight. Indeed, the small owners were, especially in the early part of the century, usually opposed to enclosure. Besides being afraid of the expense, they were less enterprising, less alive to the new methods of agriculture, and slower to take advantage of them than the larger owners. The energetic and powerful minority had their way, as so often, against a feeble majority. Those who were not owners had no say in the petition ; and they were naturally bitterly opposed to it.

Many, perhaps most, of the farmers, except the largest,

[1] Homer (*Essay on Inclosure*, 1766, p. 36) says the consent of those possessed of four-fifths of the property was necessary.

who were the most enterprising, were opposed to enclosure from that conservative habit of mind which is so characteristic of the English farmer, and is opposed to all innovation. The attitude of most open parishes to the movement may be summed up in the pithy description of Teversham in Cambridgeshire, 'enclosing not relished, the inhabitants being averse to innovation.' The smaller commoners were reluctant to give up their free, and often lazy, existence and take to settled industry. Those who lived near the commons and enjoyed the full advantage of them, 'the one in ten who took ten times his share' [1] objected to a measure which placed them on an equality with more distant tenants. Many industrious men who could not prove their legal rights, or had none, foresaw their own ruin.

The Cumberland reporter of the Board of Agriculture gives another reason why small holders opposed the movement: 'a laudable anxiety in the customary tenants to have their little properties descend to their children.

These small properties, loaded with fines, heriots, and boondays,[2] joined to the necessary expense of bringing up a numerous family, can only be handed down from father to son by the utmost thrift, hard labour, and penurious living; and every little saving being hoarded up for the payment of the eventful fine, leaves nothing for the expense of travelling to see improved methods of cultivation, and so be convinced of ocular proofs that their own situations are capable of producing similar advantages.'

Thus the opposition to enclosure was fed from many sources.

Yet many who opposed it afterwards saw their folly and came to bless it, and many who had lived a penurious and shiftless existence became industrious and prosperous farmers.[3]

Sometimes it was not before but after the petition was drafted that it was submitted to a meeting of those interested,

[1] *Bucks Report*, p. 36.

[2] See Wordsworth's *Excursion*, and *Prelude*, passim.

[3] See Scrutton, *Commons and Common Fields*, p. 143.

but here the big men generally had their way. Very often there was no public meeting. The large owners met in secret, arranged the points where their own interests conflicted, selected the surveyor, nominated the commissioners, and settled the terms of the petition.

Young,[1] writing in 1769 from 'a residence in the East Riding of Yorkshire', tells us the means commonly pursued in the execution of the process which 'are not to be found in the face of any Acts of parliament'.

'The proprietors of large estates generally agree upon the measure, adjust the principal points among themselves, and fix upon their attorney before they appoint any general meeting of all the proprietors. The small proprietor has little or no weight in regulating the clauses of the Act, has seldom, if ever, an opportunity of putting a single one in the bill favourable to his rights, and has as little influence in the choice of commissioners.'

Before 1774, when commissioners were first ordered to render accounts, 'the attorney', says Young, 'delivers his bill to the commissioners who pay him and themselves without producing any account, and in what manner they please.' Sometimes the smaller people of the village knew nothing of the scheme until the petition had been presented, though this was corrected in 1774 by a standing order of the House of Commons that notice of the scheme must be affixed to the door of the parish church for three Sundays in *August* and *September*.

Now these proceedings were high-handed without a doubt; but they were quite possible without inflicting any distinct hardship on any one, great or small, who had any legal claim under an Enclosure Act. All persons in the parish who were interested in the enclosure should have been consulted, but the larger proprietors and farmers were perfectly convinced that enclosure was indispensable to agricultural progress, and knew well too that there was a strong, and for the most part factious and ignorant, opposition to this desired improvement. But they were determined to carry

[1] *Northern Tour*, i. 222.

their point, and at the same time deal justly (as the Acts and awards show) with all who had any legal claims.

Further, very soon after Acts became numerous, the standing orders put an end to the secrecy which Young mentions.

The next step was to take the petition to Parliament, and by leave of the House a Bill was introduced, read twice, and then referred to a committee which might consist of the whole house or of selected members. But eighteenth-century committees were by no means impartial, and it was said in 1825 that ' under the present system it has been found that the members to whom bills have been committed have been generally those who have been most interested in the result '.

The committee, after receiving counter petitions and hearing evidence, reported to the House on the following points : whether the standing orders had been complied with ; whether the allegations of the petition were true ; and whether they were satisfied or not that the parties concerned had consented to the Bill. On this report the Bill was either rejected or read a third time and passed.

If the Bill was passed the commissioners named came to the village to be enclosed to hear the claims of the parties interested and make their award.

The commissioners for carrying out the Act were generally named in the preliminary agreement or petition,[1] and their appointment ratified by the Act, but sometimes they were elected at a meeting held under conditions laid down by the Act.

In the earlier Acts the number of commissioners was irregular—usually three, five, or seven, but sometimes there were many more—though after about 1760 the number was usually three and sometimes only one on the ground of expense. When there were three, one was usually named by the lord of the manor, one by the commoners, and one by the Church.[2]

The duties of the commissioners were onerous and respon-

[1] Gonner, *op. cit.*, p. 74.

[2] *General Report of the Committee on Commons and Inclosures*, 1844, p. 3.

sible, and their character has been much criticized. Their powers were large, for except as to questions of title to the property involved, their decisions until the end of the eighteenth century were final.

The question of appeal from the decisions of the commissioners is puzzling. The Act usually contained a clause stating that on all matters except questions of title their award was to be final. And another clause commonly said that any person who thought himself 'aggrieved by anything done under this Act' (except where orders of commissioners were declared final) might appeal to Quarter Sessions.

But in the later Acts a clause is inserted which states that parties dissatisfied with the determination of the commissioners 'concerning any claim of any right or interest, in, over, or upon the lands hereby directed to be allotted,' may try their rights 'at the next assizes', or 'in the courts of law'; and appeals to Quarter Sessions were not allowed where an appeal to the law courts is permitted. It appears, therefore, that the practice of conferring arbitrary powers on commissioners was found unworkable, so that an appeal from them was granted.[1]

The commissioners also determined the claim to common, the amount of it, and the allotment to be made in lieu of it.

It is somewhat difficult to determine from what class of men these commissioners generally came, as in the Acts they are usually described by the vague term of 'gentleman'.

Homer in 1761 says[2] they 'were generally selected out of the most sensible and intelligent farmers who are the best qualified to judge of the value of land but with regard to points not immediately connected with their own sphere of action their judgement cannot be expected to extend farther

[1] The Act of 1840 (3 & 4 Vic., c. 31) provided that persons who took possession of the allotments awarded them in enclosures under the Act of 1836 must be deemed to have waived the right of appeal from the award. Cf. below, p. 253.

[2] Homer, *Essay on Enclosures*, pp. iii and iv.

than natural good sense will direct it ' ; and on another page he says they were often persons of mean education.

Young[1] says that in nine cases out of ten they were ' hacknied sons of business, and often duped landowners into making enclosures at a ruinous cost '.

In the early Acts, according to the *Annals of Agriculture*,[2] they were sometimes peers, gentlemen, and clergymen who acted without fee ; but it was said experts were better as they took more trouble.

The pay of a commissioner varied, but was said by the Committee on Enclosures of 1800 to be usually two guineas a day for each necessary attendance, exclusive of travelling expenses. Sometimes an arbitrator or umpire was appointed in the Act to settle disputes between the commissioners. Some of the commissioners must have made a considerable sum of money out of their business as it was quite possible to earn over £100 from one Act, and one witness before the Committee of 1800 stated he had been employed in more than a hundred Acts.

The difficulty of the commissioners' task lay in the fact that in their allotments in lieu of common they had to keep in mind the improvement expected on enclosure, which was necessarily an indefinite quantity. Young[3] says this required uncommon attention, but was often executed in an inaccurate and blundering manner, and as there was no appeal from their allotments, ' every passion of resentment *may* be gratified without control.' Omitting the influence of prejudice, we may be quite sure that their judgement was often at fault, and even if it had not been it would never have given universal satisfaction, especially since many of the allottees were avowedly hostile. The settlement of such innumerable claims as the commissioners were called upon to decide opened up an immense field for individual dissatisfaction and grumbling, of which we may be certain full use was made by all those who fancied themselves wronged. No doubt some were wronged, but we may be quite certain that a far greater number falsely imagined they were.

[1] *Northern Tour*, i. 228.

[2] Vol. xxvi. 67 f.

[3] *Northern Tour*, i. 226.

The commissioners have so repeatedly been accused of unfair dealing that it is only right we should hear one in his own defence. Mr. Elmhirst, in Stone's *Report on Lincolnshire*,[1] says, 'I acted as a commissioner a great many years and was at one time concerned in nine different enclosures, and from my first being in that business I have ever attended first to what concerned the public respecting the laying out and making of roads in the properest and most eligible situations for the greatest conveniency of all who may travel or do business upon them. Another observation I made, and ever after put in practice, was this: always begin to line out and allot for the smallest proprietor first (whether rich or poor) in every parish, so as to make such allotment proper and convenient, for it is for the advantage of the greatest and most opulent proprietors that a Bill is presented, and at their requests and not the small ones; therefore there can be no partiality in defending those who cannot defend themselves.'

In spite of some blundering and favouritism there is no reason to think that the commissioners behaved with the gross partiality often attributed to them, and on the whole they did their work honestly and impartially.[2]

### The Actual Work of Enclosure

When the Act was passed and the commissioners appointed, the chief work began.

Generally a public meeting was held in the district, and then a surveyor and valuer appointed. The valuation of the common fields and rights came first, which, in Homer's time, was sometimes undertaken by the commissioners themselves, but more frequently by some neighbouring farmers mentioned in the Act, or chosen by the proprietors with the consent of the commissioners. It was the duty of the valuers critically to examine the soil, the herbage, its latent qualities, what seasons suited it best, under what management it had recently been, and due regard was to be paid to its situation. After the valuation came the survey,[3] the object of which

[1] P. 84. [2] Professor Gonner, *op. cit.*, p. 76.

[3] Homer, *op. cit.*, p. 51.

was to measure every parcel of land as it had been separately valued.

Surveyors were sometimes appointed by the Act, sometimes by the commissioners, sometimes by the proprietors; and the Report of the Committee on Enclosure Bills of 1800[1] says that 'in some counties a practice has prevailed of employing two surveyors, one to take a general, the other a particular survey,' though Homer considers that this practice was usual, the general survey being of all the lands in the field; the particular survey of each proprietor's estate, and the two surveys were usually carried out by different surveyors in order that their surveys might be a check on each other. The particular surveyor had no light task, for he had to measure and value every distinct parcel of every proprietor, first separately and then collectively, so that in a field of any considerable extent there might be several thousand calculations to make.[2]

The general surveyor, though he had not so many measurements to make, had to plan the whole field in miniature according to scale, 'the homesteads, or such lines thereof, as may be sufficient to show the natural situation of every proprietor's future allotment, together with the old roads, and all hedges in the common field marked in such manner upon the plan as to point out to the commissioners which way the bank is thrown up, in order to assist their judgement in the allotment of the mounds.' His duties, we may well believe, required ability and 'the utmost attention and circumspection'. Their pay varied, but the Committee of 1800 stated it was usually 1*s.* 6*d.* an acre for measuring and mapping. Sometimes they received two guineas a day.[3]

The survey ought to be finished, says Homer,[4] and laid before the commissioners at the beginning of October, so that they might be able to proceed directly upon the business

[1] *Annals of Agriculture*, xxxv. 344. In some Acts surveyors are called 'quality men'.

[2] Homer, p. 56.

[3] At Hasle Hull they received 1*s.* an acre for open fields; in Hexhamshire, 6*d.* an acre for open fields, 2*d.* an acre for wastes.

[4] P. 58.

of allotment at the most convenient time of year, when crops had been gathered in, fallows made, and the season best for sowing and planting.

Sometimes the surveyors made all the calculations for the commissioners.

Enclosure was expected to improve the land, and it was the difficult business of the commissioners to divide fairly this improvement among the allottees when they made the allotments of their several estates. They had to regard the hypothetical value of the land as it would be after enclosure. In the words of the Acts they were to divide the fields according to the respective interests of all the proprietors therein, without giving undue preference to any, but paying due regard to situation, quality, and convenience.

The first task of the commissioners was, usually, to set out the roads, which were of two kinds: public thoroughfares, and private roads giving access to the various allotments. The former were paid for out of a common fund; the latter, being for the benefit of individuals, were defrayed by those individuals. The making and improving of roads under enclosure schemes coincided with, and materially assisted, the general improvement in the means of communication which marked the latter half of the eighteenth century. Public roads were usually 40 feet wide, of which 12 feet was stoned one foot thick in the middle and nine inches at the sides, and the total cost in Somerset in 1795 was only 8*s*. 6*d*. per 'rope' of 20 feet;[1] whereas in 1919 the cost would be about £5.

For the making and repair of the roads stone and gravel quarries were often set aside by the award.[2]

Drainage was another expense for the proprietors, though at this time it was in a very elementary stage. Tiles were unknown, and drains were usually formed of stones filled in with earth, or of turves set edgeways, or thorns; but Elkington at the end of the century effected a great improvement.

[1] Billingsley, *Report on Somerset*, p. 91.

[2] Some people did not want hard roads. The farmers and drovers concerned in the trade of driving Scottish cattle down the Great North Road to London petitioned Parliament in 1710, 'urging that the stones will cripple and lame the cattle before they come to market.'

The commissioners were empowered in the Acts to order and direct drainage, which was to be executed and kept in repair by the various proprietors according to the number and value of their allotments.

In some cases land was set aside for the poor—a question we shall deal with later—and land was sometimes sold to pay the expenses of the Act; though normally each proprietor paid according to his interest in the land, any person failing to pay his share being liable to distress and sale of goods.[1]

So far we have dealt with the general expenses of the Act, and now come to those of the lord of the manor and the tithe owner.

The lord of the manor was usually the largest owner of the common fields; and was also legally the owner of the soil of the common or waste. For the first he received allotments like other proprietors; for the second he received from one-fourteenth to one-sixteenth, in lieu of his 'surface rights' which were said to mean 'game and stockage rights'[2] and to include 'low valued minerals', apparently stone and gravel; but not lead, copper, tin, coal, and iron which were specially reserved to the lord.[3]

*The tithe owner.* As tithes at this date were generally paid in kind the burden of them was very heavy and the exoneration of the land from tithe by allotments of land in lieu of it was welcomed by the tenant though very often no such allotment was made.[4]

[1] Occasionally, though very rarely (e. g. Steeple Aston, Oxon, Award, 1765), the smaller owners escaped the expenses of the Act.

[2] *Report of the Committee on Commons and Enclosures of 1844*, Qus. 2817, 2846 f. It is here said that one-twentieth was formerly usual.

[3] *Ibid.*, Qu. 2862.

[4] Of 74 enclosures examined by the Board of Agriculture in 1800 tithe had been treated thus:

In 24 land was given in lieu.
„ 3 a corn rent was substituted.
„ 2 a money rent per acre.
„ 2 a fixed money payment.
1 was free before enclosure.
42 remained subject to tithe.

But a wider examination would have disclosed a larger proportion of lands exonerated.

The tithe owner's claim was satisfied in two ways :

(*a*) By reckoning the share of the tithe at one-seventh of the land to be allotted ; though Homer says that sometimes this gave no share of the improvement to the tithe owner, while at other times it more than doubled the value owing to the particular circumstances of different fields.[1]

(*b*) The other way was to allot to tithe an amount equal to its former value, together with an increase proportionate to the general increase over the whole enclosure, subject to a deduction of its proper share of the expenses, which seemed the fairest way to Homer and many others.

The tithe owner appears to have benefited greatly by enclosure and it must not be forgotten that the fencing of the land allotted to him was done by the other proprietors, though in this respect he was treated in the same manner as hospitals, almshouses, and other public institutions.[2]

After the claims of the lord and the tithe owners, those of all people who had a legal claim in the common fields, meadows, or pastures had to be considered, and this was a business of extraordinary intricacy.

It involved an entire redistribution of the parish or manor so that every one should share in the improvement brought about by enclosure, and considering that the various holdings differed not only in size but in value, from their position, the quality of the soil, and in the worth of the rights of pasture attached to them, our wonder is that complaint of the commissioners was not far more loud and general.

When the allotting was finished each man, instead of his scattered strips and his right to a portion of common, had a compact property on which he could work unhampered by the conflicting desires of his neighbours. As far as possible

[1] The proportion of one-seventh often varied ; e. g. at Arnwick, Lincolnshire, 1791, the impropriator received on allotment an equivalent in land equal to one-fifth of the arable ; one-seventh of the meadow ; and one-ninth of the common pasture.

[2] The cost of fencing the rector's allotment was sometimes very heavy ; at Alkerton, Oxon, 1777, it amounted to £232 15*s.* 9*d.* out of a total expense of £1,152 0*s.* 9*d.*

each holding was laid out contiguous to the homesteads, but this was not possible with all, and we can still see in our villages lands at a very inconvenient distance from farmhouse and buildings.

The practice was generally followed of so tracing the lines of the fences as to form square enclosures if possible, and the size of the fields was regulated according to the size of the farms, varying from 5 to 10 acres for small farms to 50 or 60 acres on large ones.[1]

The next business was fencing the allotments—an expensive process which bore most hardly on the small owner. Of this Homer gives a practical illustration : [2] if two sides of a plot of land 5 acres in extent are to be hedged there will be $7\frac{3}{5}$ perches of hedging to each acre ; if the plot is 4 acres there will be $8\frac{3}{4}$ perches to each acre ; if 3 acres, there will be 10 ; if 2 acres, $12\frac{1}{4}$ ; and 1 acre will have 17 perches for two sides.

The cost was from 7*s.* to 10*s.* per rod or pole for a bank with ditch on either side, planted with quick ; and about 10*d.* a yard for stone walls 4 feet to 4 feet 6 inches high.[3]

'Public' fences were paid for out of the general fund which was assessed on each allotment in proportion to its size ; and relief was granted to any one whose share of the fencing was disproportionately heavy, i. e. chiefly to the poorer owners.

Boundary fences were apportioned among the different proprietors, and the interior ones were done by the proprietors as each needed them.[4]

In some cases, after allotment, new buildings were necessary, and pools had also to be dug in some of the new fields for watering the stock, at considerable cost.

[1] *Board of Agriculture Report*, 1808, p. 81.

[2] *Op. cit.*, p. 98.

[3] See Billingsley, *Report on Somerset* ; *Bedfordshire*, p. 92 ; and *Report of Board of Agriculture*, 1808, p. 309.

[4] *Annals of Agriculture*, xxxv. 375.

The general expenses of enclosure varied from 12*s.* or 14*s.* to £4 or £5 an acre and averaged about £1 an acre.[1]

This is said to have included all the expenses except interior fencing, but judging by modern examples the total expense of enclosure and of all the improvements which enclosure first made possible, far exceeded this sum.

A typical example of the cost of enclosure is that of Great Wilbraham, Cambs., in 1797, comprising 2,400 acres.[2]

| | £ | *s.* | *d.* |
|---|---|---|---|
| Solicitor | 816 | 16 | 2 |
| Surveyor | 390 | 2 | 10 |
| Do. (board) | 82 | 1 | 0 |
| Drainage | 318 | 8 | 0 |
| Public fences | 554 | 8 | 0 |
| Engineer | 95 | 15 | 10 |
| Roads | 200 | 0 | 0 |
| Commissioners | 486 | 13 | 0 |
| Contingencies | 50 | 0 | 0 |
| | 2,994 | 4 | 10 |

This, however, omits the cost of interior fencing ; while the low cost of the drainage, roads, and fences in this and in contemporary enclosures generally, is evidence that these works were then of a very primitive and rude description.

[1] In 1800 the Board of Agriculture (*Report of 1808*, p. 97) found on examination that the average number of acres enclosed in an Act was 1,612, and the expenses,

| | £ | *s.* | *d.* |
|---|---|---|---|
| Act | 497 | 0 | 0 |
| Survey | 259 | 0 | 0 |
| Commissioners | 344 | 0 | 0 |
| Fences, &c. | 550 | 7 | 6 |
| | 1,650 | 7 | 6 |

[2] *Report of Board of Agriculture*, 1808, Appendix XVII.

Another example is that of Marston, Bedfordshire, 1797, where enclosing 2,000 acres cost :[1]

| | £ |
|---|---|
| Law | 400 |
| Commissioners | 422 |
| Survey | 409 |
| Clerk (award, &c.) | 288 |
| Sundries | 37 |
| Roads | 729 |
| | 2,285 |

But in this case drainage and fences are omitted.

There were two methods of raising these expenses :

(1) By levying assessments on the proprietors, according to their property, usually based on the poor rate.

(2) By selling portions of the land to pay whole or part of the expenses.

It is evident that a considerable portion of the expense of enclosure came *after* allotment and was incurred in the making of roads, drains, and fences.

In early enclosures road making was not nearly so expensive as after Telford and Macadam had raised it to a science, and it was commonly done in a slovenly manner, and as we have seen cost in Somerset only 8*s.* 6*d.* a rope of 20 feet in 1795.

And the same may be said of drainage. There was little scientific underground drainage in England until after the days of Smith of Deanston, and the great agricultural drainage era was the middle of the nineteenth century. But fencing had to be done, and this seems to have been the great expense all through. If it cost 7*s.* to 10*s.* per rod of $5\frac{1}{2}$ yards as the Somerset and Bedford reporters assert, the average cost would be about 1*s.* 6*d.* a yard which seems excessive, especially as the Board of Agriculture Report of 1808 informs us that the cost at Nether Walton of a mound 5 feet high with a row of quicks on top, and on each side willow

[1] *Annals of Agriculture*, xlii. 55. Dunton, Beds., 2,200 acres cost £1,803 including roads and drains. But the enclosure of King's Sedgemoor, Somerset, cost £5 an acre for 12,000 acres.

stakes bound together, was 2*s.* 6*d.* per 7 yards. Homer, in 1766, estimated the cost of fencing at £3 an acre, and as wages rose this must have increased with them. And as the art of road-making and draining improved their cost naturally became greater, so that the cost of modern enclosures was very great notwithstanding the diminution of parliamentary expenses.

Mr. Pell in the Royal Agricultural Society's Journal of 1887 [1] made an estimate of bringing a midland parish from the old common state into a condition fit for modern farming. The area was, and is, 1,648 acres, enclosed in the reign of Elizabeth, being at that time for the most part unenclosed commonable fields, some brakes, and a few old enclosures. The parish is now subdivided into 150 fields traversed by over three miles of substantial carriageways, with the addition of one mile of occupation road. Fifteen acres were entirely lost in the surface of these highways, and the account for ' the secondary works of reclamation ' stands as follows :

| | £ |
|---|---|
| 3⅛ miles of parish roads at £700 per mile, to make . . | 2,216 |
| The two boundary fences on either side at £200 per mile . | 633 |
| The one mile of occupation road and its fences . . . | 550 |
| 36 miles of quick fences to the 150 enclosures at £112 per mile (about 1*s.* 3¼*d.* per yard) . . . . . | 4,032 |
| 200 gates and gateways to the enclosures, at 40*s.* . . | 400 |
| 1,600 acres drained at £6 6*s.* 0*d.* per acre, say . . . | 10,000 |
| | £17,831 |

Besides these expenses is the cost of bridges, causeways, pools, &c., which brings the total sum to about £20,000 or £12 an acre.

And there are, in this instance, no parliamentary expenses which would add another £1 per acre at least.

The cost of farmhouse, buildings, and cottages cannot be included in the expenses of enclosure since they were usually there before, though of course it is no exaggeration to say that this equipment too has been renewed since the days

[1] P. 363.

of enclosure in the vast majority of instances, especially as the buildings on unenclosed land was more adapted for the old three-field system than for the new husbandry. Little room was available for housing cattle and roots, but plenty of great barns for stacking cereals. Buildings were also often badly situated in groups in the villages, far away from the land. One landlord, Jonathan Ackham of Wiseton, Notts., erected seven brand new homesteads on central sites on his estate after enclosure.

It has been calculated[1] that farmhouses and buildings cost on an average £9 an acre, bringing the total cost of equipment to £21 an acre, and this takes no account of the constant repairs necessary.

The average value of agricultural land in England before the war was £25 an acre, so that, deducting the cost of equipment, we have left £4 an acre for the land itself ; and this takes no account of what is called the ' man-made top nine inches ' of the soil which is practically created by human effort.[2]

One more expense has to be considered : the payment of compensation to tenants for the voidance of their leases which was usually ordered by the Act and was often a great burden on the owners.[3]

The heavy expenses of enclosing were the theme of constant complaints by contemporaries, and it was sought to remove them by the Act of 1801, but in spite of this statute costs continued high and administrative expenses remained unaltered ; indeed, it is sufficiently evident that the chief expenses of the business could not be affected by legislation.

When the commissioners had allotted the land they embodied their decision in an award, a copy of which had

[1] *R. A. S. Eng. Journal*, 1887, p. 364.

[2] It is safe to assume, therefore, that the so-called ' site value ' of agricultural land in England does not exist on average soil. For a modern example of the cost of enclosing land from a state of nature, see below, p. 320.

[3] In 1814 the enclosure of 570 acres, including subdivision fences and money paid to a tenant for relinquishing his agreement, cost £4,000. *Agricultural State of the Kingdom* (1816), p. 116.

to be deposited with the clerk of the peace for the county ; and in addition copies were often enrolled—generally in the Recovery Rolls.

During the time between the passing of the Act and the issue of the award, sometimes a space of five or six years, the commissioners usually directed the course of cropping ; and it was a period of much confusion and dislocation of business, so that the land was often badly farmed.

After allotment, it was found that for the first two or three years after turf was ploughed up, the productiveness by the soil of all kinds of cereals exceeded the highest expectations, and farmers went on growing white crop after white crop till the land was on the verge of sterility. Lawrence, in his *New System of Agriculture* (1726), holds out as an inducement to enclose the bait that the farmer will be able to grow from seven to ten crops in succession with profit.

# CHAPTER XV

## THE ADVOCATES AND OPPONENTS OF ENCLOSURE

THE ACT OF 1773.—THE REPORT OF THE COMMITTEE OF 1795.

The battle over the merits and demerits of the movement raged as fiercely in the eighteenth century as in the sixteenth, though the opposing forces were much more evenly distributed. The main difference in the controversy of the later period lies in the fact that more men had come to see the immense economic advantage of enclosure, and their opponents were those who fixed their attention on its social disadvantages.

The Rev. John Lawrence, in his *New System of Agriculture*, 1726, advocates enclosure strongly, saying that rent is sometimes tenfold increased, and wonders that it was so backward. His brother, Edward Lawrence, recommends the landlord ' to lay all the small farms let to poor indigent people to the great ones ', though care was to be taken of the families of the small farmers thus displaced.

The two Lawrences were opposed by John Cowper, who looks at the matter solely from the point of view of the small holders : who, he thinks, are the most industrious people on the land, and most hurt by enclosure.

The Rev. H. Homer, 1766,[1] put the average expense of fencing at £3 an acre, of which half went into the pocket of the labourer, and he calculates that ' the ballance of wages paid for labour in a country which is gradually enclosing, and in one which continues open, is within the first twenty

[1] *An Essay on the Nature and Method of Ascertaining the Specific Shares of Proprietors upon the Inclosure of Common Fields*, p. 30.

years £1,500 greater in the former than in the latter, and if we add the extraordinary expenses which are necessarily incurred by making and repairing roads over new inclosures, it will certainly raise the account much higher.' And he goes on to say that there was not so much a diminution of labour on enclosure as a change in its application. Instead of the old unvarying round of ploughing, sowing, reaping, and threshing, there was new work such as planting quick, raising the nursery sets, hoeing turnips, hewing out and mortising posts, draining, &c., and those who were willing to turn their hands to the new work could find plenty of employment. According to him, ' the generality of labouring people ' had little thrift and did not save when they received extra wages, and in this he is supported by Arthur Young.

Nathaniel Kent was an opponent of the movement but no indiscriminating admirer of small holdings. He resided three years in the Austrian Netherlands, and then pursued an extensive practice in the superintendence of several large estates in different parts of England, ' and borrowed nothing from books or hearsay authority '.

He was convinced ' that the nature of our soil will not admit of that universal plan of farms so low as 20 and 30 acres which subsists in Flanders ' ; and recommended farms of varying size, but no one farm paying more than £160 a year in rent, which, at the average rental of his time, would mean a farm of 320 acres.[1]

He noticed that the small landowner asked the highest rents, as he does to-day ; but hoped that the ' destructive practice of engrossing farms may be carried no further, and as the stab already given to plenty and population has greatly affected the prosperity of this country, I hope some reparation will be made for the injury sustained '. ' Since little farms have been swallowed up in greater, there are thousands of parishes which do not support so many cows as they did by 50 or 60 in a parish, and the inhabitants have decreased in proportion.'

[1] N. Kent, *Hints to Gentlemen of Landed Property*, 1775, p. 219.

He tells us[1] that 'half the poor of this kingdom are obliged to put up with shattered hovels truly affecting to a heart fraught with humanity'; and his modest ideal was 'a warm comfortable plain room for the poor inhabitants to eat their morsel in, an oven to bake their bread, a little receptacle for their small beer and provision, and two wholesome lodging apartments, one for the man and his wife and another for his children. It would, perhaps, be more decent if the boys and girls could be separated, but this would make the building too expensive'! He notes how 'formerly the poor could buy milk, butter, and many other small articles in every parish in whatever quantity they wanted; but since small farms have decreased in number no such articles are to be had, for the great farmers have no idea of retailing such small commodities, and those who do retail them carry them all to the towns.'[2]

The chief champion of enclosure and the large farm was Arthur Young, but in later life he became aware of the merits of small holdings also, and alive to the hardships often inflicted by enclosure, and proposed that £20,000,000 should be spent in providing 500,000 farms with allotments and cottages, the fee simple of the cottage and land to be vested in the parish.

Thomas Stone, who was more against engrossing than enclosure, proposed in 1787 that in future enclosures farms should be let in different sizes of from £40 to £200 a year.

The author of an *Enquiry into the Reasons for and against Inclosing*, printed in 1767, admits that 'as to heaths and light sandy or stony soil, there inclosing may facilitate such improvements in tillage as will do real service to individuals and the public, but no great improvement can reasonably

[1] *Ibid.*, p. 229.

[2] It was alleged in a *Political Enquiry into the Consequences of Enclosing Waste Lands*, 1785, that 'the breeding and rearing of cattle on commons where no rent is paid, in preference to rearing them in enclosed pastures, set at a high rent, tends to keep down the price of lean cattle,' which was necessary as the price of such cattle had risen near 100 per cent. in the last 20 years.

be expected on rich strong land that bore good crops and kept large quantities of cattle in its open field state.'

That modern England often has the appearance of a vast wood, owing to hedgerow trees, is mainly due to enclosure, for this writer also admits that enclosure, by encouraging tree-planting in the hedges, encouraged the growth of timber which was a national good; but at the same time vast numbers of good oak, elm, and ash were being felled for fencing the new fields, while very little planting was done except in the hedgerows. As an instance of the loss sustained by small holders on enclosure he says that when they have paid all the expenses of the award 'it is no unusual thing to oblige them to accept allotments of 6 or 7 acres in the enclosures who had nine or ten in the open fields'; but he forgets to add that the former, according to overwhelming evidence, was more valuable than the latter.

This writer affirms, contrary to the usually accepted opinion, that enclosure meant *worse* roads, at all events as regards the 'lesser roads', for he says travellers before enclosure had two or three ways from town to town, but afterwards only one, and as all by-roads at this date were little better than mud tracks, this one road got into a dreadful state, and was 'very fatiguing and hazardous both to man and beast'.

Even on the turnpike roads the new hedges shut out the wind and sun and so made them worse than the old open field roads. And these bad roads led to an increase in the price of coal through the difficulty of hauling, which was aggravated by the disappearance of a number of hauliers owing to the loss of their holdings.

Further, enclosure was detrimental to the woollen industry, as fine short wool could be grown better in the open fields, and it discouraged the breed of poultry, hogs, and draught horses—especially the strong black horses usually bred by farmers in the open fields. In Leicestershire and Notts. the consequences of enclosure were very obvious: in twenty or thirty years there had been a great change in these counties, 'the ruins of former dwelling houses, barns, stables, &c., shew

every one that passes through them that they were once much more extensive and better inhabited ; ' and it is to be noticed that this was written before the most active period of parliamentary enclosure. Contemporaries remembered ' upwards of a hundred houses and families in some open field villages, that since they were enclosed, had dwindled to 8 or 10 ; and 500 or 600 inhabitants where there are now not more than 40 or 50 '. Here he must have been alluding to the conversion of rich arable into grass.

Among the advocates were Bailey and Culley, both well-known practical farmers, who state in their report on Cumberland [1] that the advantages arising from enclosing commons in the improvement of live stock is obvious : on the commons every one turned in what he pleased and there was generally double the quantity of stock there ought to be. No one could improve the breed since all stock, good and bad, herded together ; the animals on the commons were usually ill-formed, meagre, starved creatures. Another advocate was John Billingsley, the reporter of the Board of Agriculture for Somerset, and a man of large experience whose opinion is certainly valuable.

Of the invasion of the rights and interests of cottagers, he says [2] that this change has the appearance of a humane attention to the comfort of the poor, but a brief investigation will lessen its influence if not wholly refute it. There are two methods of enclosing commons, he says : by consent of all parties, and by Act of Parliament. In point of economy the first of these methods is the best, as it saves expense ; but it is seldom practised, except in the case of small commons, as it was so hard to get unanimous consent. But in either of these methods it was impossible to evade the legal or equitable right of the cottager for he stood precisely on the same ground as his more opulent neighbours, and, as to his interest, ' I can truly declare that in all cases which have fallen within my observation enclosures have meliorated his condition by exciting a spirit of activity and industry

[1] P. 214.

[2] P. 48. *Report on Somerset* and *Annals of Agriculture*, xxxi. 28.

whereby habits of sloth have been overcome. No stronger proof can be given of this than the reduction of the poor rate in many parishes where enclosure has taken place.'[1]

He states emphatically that in the great majority of cases the cottager derived no benefit from stocking the commons, except from geese, as he had no winter keep for his stock, which were left to starve on the commons through the winter. He describes the poor commoner as he knew him: 'In sauntering after his cattle he acquires a habit of indolence. Day labour becomes disgusting; the aversion increases by indulgence, and at length the sale of a half-fed calf furnishes the means of adding intemperance to idleness. Then the cow is sold, and its wretched possessor, unwilling to go to regular work, comes on the poor rates, and rates were always highest where there were most commons.'

The cottager's point of view is very different from this: 'Besides the farmers,' says one of their advocates, 'there are other village people, such as the cottager, the mechanic, and inferior shopkeeper, to whom common rights are an incitement to industry. Their children, sent out to yearly service amongst the farmers, manage in time to scrape together £20 or £30, marry young women possessed of an equal sum, obtain a cottage, and purchase cows, calves, sheep, hogs, and poultry. Then while the husband hires himself out as a day labourer, the wife stops at home and herds the live stock on the common. Out of the former's wages the rent of cottage, orchard, and two or three acres of meadow ground is paid, which, save for the rights of common, would be insufficient to support the beasts and poultry of which his property consists. When winter sets in the more prudent of these small tenants board their sheep with farmers at the rate of 2*s.* to 2*s.* 6*d.* per score per week, and part of each Sunday is employed by the cottager in a visit to their sheep. The number of each man's cows is appor-

[1] Professor Gonner's exhaustive examination leads him to conclude that 'while there is no close correspondence between enclosure and the state of poverty, there seems sufficient ground for the opinion that *considerable* enclosure tended to produce some increase in the amount of relief' (*op. cit.*, p. 417).

tioned to the size of his haystack which supplies them with fodder in the winter. How would this class be provided for if the commons were ploughed up ? ' [1]

Enclosure, according to Billingsley, obviously increased the produce of the land, the demand for labour, and the rate of wages. He admits that the quality of wool on enclosed land was inferior to that on unenclosed, as was generally asserted ; ' but ', says he, ' on an acre of cultivated land a farmer by the aid of turnips and grasses can keep four sheep instead of one on common, and with undoubted augmentation of fleece and carcase.'

Though not so famous as Arthur Young, William Marshall was perhaps the greatest authority of the time on agricultural matters, and his opinion was that : ' Upon the whole, it is evident to common observation that common field husbandry is inconvenient and unproductive, and it is a matter of some astonishment that the best lands of the island should have been suffered to lie so long in such an unprofitable state.'

Another opponent of enclosure was the Rev. David Davies, a Berkshire clergyman, according to whom it synchronized with grave discontent with the cost of living, and he therefore in 1795 collected statistics bearing on this point.

From these it appears that prices had advanced between 1750 and 1795 about one-third, but the wages of the day labourer only one-seventh.

He gives the budgets of six labouring families in his own parish of Barkham in 1787, where, he says, two-fifths of the inhabitants were in similar circumstances.

Few poor families could afford more than 1 lb. of meat, 1 to 1½ oz. of tea, ½ lb. of sugar, and ½ lb. of salt butter or lard per week. They had not funds enough to buy milk which was wanted for suckling calves destined for the London veal supply, nor cheese which was reckoned the dearest article in use. Malt was so expensive that they seldom brewed even small beer except for ' lyings-in and christenings '. They eked out their supply of soap by burning green fern

[1] *A Political Enquiry into the Consequence of Enclosing*, 1785.

and kneading the ashes into balls, with which they made a lye for washing.

The yearly deficiency between earnings and expenses in the six families ran from £2 12*s.* 9*d.* in a family of four persons to £8 16*s.* 9*d.* in one of seven.

The following are the details of two of the family budgets :

| | *Family of 7 persons.* | | | *Family of 4 persons.* | | |
|---|---|---|---|---|---|---|
| Expenses per week : | £ | *s.* | *d.* | £ | *s.* | *d.* |
| Bread or flour | | 6 | 3 | | 4 | 2 |
| Yeast and salt | | | 4 | | | 3 |
| Bacon or other meat | | | 8 | | 1 | 0 |
| Tea, sugar, butter | | 1 | 0 | | | 10 |
| Soap, starch, blue | | | 2¼ | | | 2¼ |
| Candles | | | 3 | | | 3 |
| Thread, thrum, worsted | | | 3 | | | 3 |
| | | 8 | 11¼ | | 6 | 11¼ |
| Amount per annum | 23 | 4 | 9 | 18 | 0 | 9 |
| Earnings per week : | | | | | | |
| Man | | 8 | 0 | | 8 | 0 |
| Wife | | | 6 | | | 6 |
| | | 8 | 6 | | 8 | 6 |
| Amount per annum | 22 | 2 | 0 | 22 | 2 | 0 |
| To above expenses | 23 | 4 | 9 | 18 | 0 | 9 |
| Add, per annum, for fuel, rent, clothes, lying-in | 7 | 14 | 0 | 6 | 14 | 0 |
| Total expenses | 30 | 18 | 9 | 24 | 14 | 9 |
| Deduct earnings | 22 | 2 | 0 | 22 | 2 | 0 |
| Deficiency of earnings | 8 | 16 | 9 | 2 | 12 | 9[1] |

Another advocate was Sir Frederick Eden, who published his *State of the Poor* in 1797, and proposed that a certain quantity of land should be reserved for cottagers and labourers, to be vested in the whole district. This was also recommended by Young, Sinclair, and other thoughtful and humane men of the time, and if generally adopted would have greatly alleviated the hardships of the poor.

[1] D. Davies, *Case of Labourers in Husbandry*, p. 18 ; quoted by Garnier, *Landed Interest*, p. 314.

The conclusion arrived at after reading these views of the opponents and advocates of enclosure is that both were, from their point of view, right. The former considered the moral and social evils of the movement which occurred but were exaggerated; the latter the economic advantage which was beyond question. Many of the evils due to industrial changes and the faulty administration of the Poor Law were put down to enclosure, and this apparently strengthened the arguments of those who opposed it. On the other hand, its advocates had the irresistible contention that the rapidly growing population had to be fed, and that this was impossible under the old system; and it is no exaggeration to say that the country would almost certainly have succumbed in the struggle with France but for the vastly greater produce obtainable through the improved methods of agriculture only practicable on enclosed land.

The great obstacle[1] to enclosing was said to be the expense, and in 1773 it was sought to improve the cultivation of the common fields and so obviate the necessity of enclosure. Accordingly, the statute 13 Geo. III. c. 81 was passed which enacted that 'where there are open or common field lands, all the Tillage or Arable lands lying in the said open or common fields shall be ordered, fenced, cultivated, or improved in such manner as three-fourths in number and value of the occupiers shall agree, with consent of the owner and tithe owner.' It was hoped that this Act would help the cultivation of turnips and grasses in the open fields, but little advantage was taken of it and it seems to have been a dead letter.[2]

[1] In the reign of George II an Enclosure Act was passed for encouraging the growth of useful timber. This statute (29 Geo. II, c. 36) permitted enclosure, by mutual consent of the lords and tenants, of part of any common for the purpose of planting and preserving timber trees, or underwood, and preventing the unlawful destruction of trees, because owing to the deficiency of the home supply a great quantity of foreign timber was imported for building ships and houses.

[2] The East Riding reporter of the Board, writing of Hunmanby, mentions the opposition he encountered to a better scheme of cultivation under the Act, so wedded were the farmers to old customs.

Consequently, attention was again directed towards lessening the expenses of Enclosure Acts and facilitating enclosure, and in 1795 a committee was appointed to consider the means of promoting the cultivation and improvement of the waste and unproductive lands of the kingdom. The committee was deeply impressed with the opinion[1] that a general system of facilitating the division of waste lands and commons was an object not only anxiously to be wished for as the means of removing a natural obstacle to improvement and of promoting the prosperity of the kingdom, but more particularly as being one of the most effectual measures for preventing any risk of suffering under the pressure of scarcity in the future, a risk which deeply concerned the minds of our forefathers.

The Board of Agriculture stated that, from the returns made of the state of agriculture in the different counties, a very considerable proportion of the territory of the United Kingdom still remained waste and unproductive, though capable of great improvement. As a survey of the kingdom was too expensive, a rough estimate had been made of the cultivated and uncultivated lands in which the extent of waste lands in England and Wales was put at 7,888,777 acres, and the cultivated at 39,027,156, or a total of 46,915,933 acres—a very rough estimate.[2]

Sir John Sinclair, the president of the newly constituted Board of Agriculture, discusses the objections usually made to the improvement of waste lands, and denied that it meant depopulation, seeing that it gave more employment and better wages; but he hoped if a general Enclosure Act was passed that provisions would be inserted in it to enlarge the gardens of labourers' cottages, to throw the burden of ring fences upon the larger commoners, and to allot a certain portion of the common for the special purpose of providing fuel. A rare example where these enlightened methods had been followed is given in the report. In a Worcestershire

[1] *Parliamentary Reports*, vol. ix, 1774–1802, p. 199.

[2] See above, p. 138. A. Young, in his pamphlet *The Means of Raising the Supplies*, 1779, estimated the area of England at 36,000,000 acres.

parish, enclosed about 1770, 25 acres of the commonable land had been set out for the use of the poor. Further, the lord of the manor, to whom nearly the whole of the parish belonged, laid plots of land to some of the cottages and added a small building sufficient to hold a horse or a cow, and grafting stocks to raise orchards, and, in some instances, lent money to cottagers to buy cows, horses, or pigs. The result had been that even the idle had become industrious, and the condition of all vastly improved. Poor rates had fallen to 4*d.* in the pound, whereas neighbouring parishes paid from 2*s.* 6*d.* to 5*s.*; the population had increased, and the land produced double the rent given by the farmers.

This is unfortunately a rare example, but it must be remembered that there were a considerable number of small owners to be considered on enclosure, and it was not likely that they would consent to the deduction from their allotments of land to be set aside for those who had only a moral claim to compensation. Such men are generally far more tenacious of their rights than larger owners, and their opposition to allotments 'for the poor' has usually been forgotten.

It had been said that commons were an excellent nursery for rearing young cattle. Nothing was more absurd; the commons stunted the growth and starved animals of every description. Where unstinted they were over-stocked; and where stinted frauds were committed, and the stint in general was too large; and disease was ever prevalent.

Since the reign of Queen Anne the average size of beeves, owing to enclosure, had increased from 370 to 800 lb., and of sheep from 28 to 80 lb., though there is good reason to think that live stock at the earlier date was not so small as the report states.

'At present,' continues the report, 'a right of common is seldom of much use to those who enjoy it. In many parts of the kingdom it appeared from several of the reports to the Board of Agriculture that many decline availing themselves of such a privilege, finding that it does not pay common interest for the capital employed.' Even a loss was sustained

by commonage. 'Let one man, having a right to do so for nothing, put a cow of any value upon the generality of commons any time in spring, and let another give a farmer 1*s.* 6*d.* a week for the keep of his cow in an enclosure, both being of the same value when first turned out; if both are driven to market at Michaelmas the difference of price will do more than repay the expense of the keep without making any allowance for the additional quantity of milk, which the cow, kept in an enclosure, must yield.'

'In regard to sheep, if they are of a valuable sort, the profit of hiring land, instead of putting them on a common for nothing, is still greater'. And the enormous losses sustained by that species of stock from rot and disease generally could hardly be calculated.

Sinclair, a man of wide experience, says that not only were waste lands demoralizing to those on them but to the neighbouring farmers, who depended upon the imaginary profits to be derived from commons for the summer sustenance of their stock, and did not therefore farm as well as they would have done without the commons. In fact, waste lands were in many cases a real loss to the community and prejudicial even to those who were supposed to derive benefit from them.

# CHAPTER XVI

## THE REPORTS TO THE BOARD OF AGRICULTURE, 1793–1815

In 1793 was founded the Board of Agriculture with Sir John Sinclair as its President and Arthur Young as Secretary. It was not a Government department, like its modern namesake, but an association of gentlemen, chiefly landowners, for the advancement of agriculture, who received a grant from the Government of £3,000 a year. One of their earliest tasks was to obtain a description of the then state of agriculture in the kingdom, and for this purpose they sent surveyors into every county in England and Wales.

As these surveyors paid special attention to enclosure their statements as to its progress and its merits form the best body of contemporary evidence we have on the question.

I shall therefore make no apology for quoting them at some length. With each county I have given the percentage of area enclosed according to Dr. Gay's tables based on the commissions of 1517 and 1607 ; also according to Professor Gonner's tables which give the parliamentary enclosure of common fields and waste from 1700 to 1870 ; and according to Dr. Slater's tables which give the percentage of parliamentary enclosure from 1700 to modern times, and in these no Act or enclosure is included unless the enclosure was partly of arable common field, though in some cases the arable land formed only a trifling part of the area dealt with.[1]

[1] Slater, *op. cit.*, p. 140. In some Acts the area enclosed is not stated, so Dr. Slater has in these cases made an estimate of the area, based on the assumption that the average area per Act where the area is not stated is the same as for Acts where the area affected is stated. I have to thank Professor Gonner and Dr. Slater for their kind permission to use these figures for the purpose of comparison.

## NORTHERN DIVISION [1]

### NORTHUMBERLAND

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| — | — | Open field, 1·5<br>Common or waste, 11·0 | 1·7 |

Northumberland was reported on by Bailey and Culley, well-known agriculturists, in 1805, who state that the greatest part of the commons capable of being converted into tillage had been enclosed in the last 30 years; but 120,000 acres remained, a large part of which was exposed mountain land unsuited to agriculture. As only 12·5 per cent. of the county was enclosed under Act, a considerable portion must have been enclosed by agreement; [2] and apparently, says Gray, the greater part of the common arable fields had been enclosed by the end of the first quarter of the eighteenth century.' [3]

### DURHAM

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| — | — | 17·5; nearly all common or waste | 0·7 |

Durham was reported on by Joseph Granger, a land surveyor, probably of some eminence in his profession, in 1794, who says, 'In this county the common fields of townships were for the most part enclosed soon after the Restoration. The common fields are few in number and of small extent. The waste lands amount to about 130,000 acres situated mostly in the western part of the county. Within the last 30 years large quantities of waste lands in the lower

[1] Cf. above, p. 111, for the early enclosure of the northern counties.

[2] Gray, *op. cit.*, p. 207.

[3] In 1913 the total area of the county was 1,284,189 acres, and of this 700,898 acres was cultivated (*Report of Board of Agriculture*, Cd. 7325). In the face of these figures it is difficult to understand the 120,000 acres of Bailey and Culley. The area given by the Board of Agriculture as 'under crops and grass' or cultivated, does not include mountain and heath land.

part of the county have been enclosed, and it is certain that the resulting advantages in regard to improvement in quantity and quality of produce, stock, rent, and increase of population, have been, and continue to be, very considerable.'

At Ketton near Darlington, Charles Colling was now carrying on his great work, second only to that of Bakewell in the improvement of our live stock. He turned his attention to the local Shorthorn breed described in 1744 as ' the most profitable beasts for the dairyman, butcher, and grazier ', which he made the best all-round cattle in the world. His herd was dispersed in 1810, perhaps because he thought he had pushed in-and-in breeding too far, and at the sale 47 lots averaged £151 8*s*. 5*d*., an unheard-of price in those days !

CUMBERLAND

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| — | — | Common field, 4<br>Common, 19·5 | 1·1 |

Bailey and Culley issued their report in 1794. ' About half the land was appropriated,' half still remained in a wild and uncultivated state, and much of the common was not enclosed until the nineteenth century.[1]

As Professor Gonner's percentages are calculated on the *whole* acreage of the county [2] it is evident that a very considerable proportion of the *cultivated* area was enclosed by Act, chiefly from commons.

WESTMORLAND

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| — | — | 16·0, nearly all common | 0·6 |

Reporter : A. Pringle, 1793, of whom Marshall says, ' I am not so fortunate as to possess the smallest knowledge.'

[1] 1913 : total area, 961,544 acres ; cultivated area, 556,567 acres ; woods, 35,224 acres.

[2] See his *Common Land and Enclosure*, p. ix.

No enclosures of much consequence had taken place in the last 100 years, and about three-quarters of Westmorland consisted of uncultivated land, much of which was capable of improvement.[1] But there were few common fields in this county or in Cumberland at any time, and many of the commons in Westmorland were enclosed after Pringle's report.

LANCASHIRE [2]

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| — | — | Common field, none<br>Common, 5·7 | None |

Reporter [3] John Holt (a land surveyor), 1795, of whom Marshall had no very good opinion. At that date there were large tracts of waste land estimated at 108,500 acres,[4] many of which were capable of being cultivated, but there were few open or common fields remaining, enclosure having taken place early, and it was far advanced when Celia Fiennes rode through the county at the end of the seventeenth century.

This is what we should expect in a county which, like Cumberland and Westmorland, was influenced by the Celtic system.

Yorkshire was apparently enclosed in many parts at an early date, as Leland about 1540 mentions enclosed ground many times in his tour through the county, as did Celia Fiennes in her account of it.

WEST RIDING

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| 0·1 | — | Common field, 10·6<br>Common, 13·6 | 11·6<br>This includes a large amount of common and moor |

The West Riding was reported on twice: by Rennie,

[1] Total area (1913), 497,099 acres; cultivated area, 244,427 acres; woods, 17,313 acres. [2] Cf. above, p. 111.

[3] See Slater, *op. cit.*, p. 174, and Gray, *op. cit.*, pp. 171 and 249.

[4] Total area (1913), 1,183,048 acres; cultivated area, 788,057 acres; woods, 41,794 acres.

Brown, and Shirreff in 1793, and by Robert Brown in 1799. They were all East Lothian farmers of high reputation.

Waste lands were very extensive: 265,000 acres were capable of cultivation, and 140,000 incapable of improvement except by planting; in all about one-fourth of all the land in the district.[1] This was due to the expense of enclosure, which prevented improvement. 'A considerable proportion of the arable land is uninclosed to the great obstruction of agricultural improvement.' And we find that about half the land enclosed by Act was enclosed after the date of these reports.

North Riding

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| 0·18 | — | Common field, 6·0<br>Common, 10·3 | 6·3 |

Reported on by John Tuke, a surveyor and estate agent of considerable practice in 1800, who says, 'in the best parts of this Riding few open or common fields now remain, nearly the whole having been long enclosed; but the moors and mountainous parts still remained in their original state, and there were 228,000 acres of waste lands capable of improvement.'

Here, again, about three-quarters of the land enclosed by act was enclosed after the report was made.

The reporter adds that the commons had been much abused, for persons dwelling in distant townships would take single fields near a common which carried common rights with them, and proceed to overstock the common with cattle from their other lands.

East Riding

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| 0·18 | — | Common field, 33·4<br>Common, 4·9 | 40·1 |

Reporter, Isaac Leatham (1794), who 'was bred to the

[1] Total area (1913), 1,763,304 acres; cultivated area, 1,171,964 acres; woods, 67,629 acres. As a large proportion of enclosure was effected after the reports of the Board it is obvious that the area of waste given by the reporters is not very accurate.

agricultural profession, but set out as a land valuer, and had acted as an enclosure commissioner '.

At that date the Riding contained very little, if any, of what is generally termed waste land ; the commons varied in extent, and ' all of them may be converted into useful lands by drains, plantations, and other improvements '. Some of the commons were stinted, but others were not, and were overstocked, so that very little benefit was derived from them. Many of the commons were frequently water-logged when a small expenditure would have drained them, but what was every one's business was nobody's business. ' Many open fields and commons have been enclosed in this district to the great benefit of most of the land,' though some had been enclosed which had better have been left open. More than half the enclosure by Act took place after 1800.

W. Marshall in 1796 visited the Vale of Pickering in East Yorkshire, and found the ' major part of the lands the property—and, in general, in the occupation—of yeomanry, a circumstance which it would be difficult to equal in so large a district '.

The township of Pickering contained about 300 freeholders, principally occupying their own small estates.

No great man, nor scarcely a country gentleman, has yet been able to get a footing in the parish, or if any one has, the custom of portioning younger sons and daughters by a division of lands, has reduced to its original atoms the estate which may have been accumulated. At present no man is owner of £300 a year landed estate lying within the township, although its rental, were it rackrented, would not be less than six or seven thousand pounds.

In the surrounding district, such was the generosity of the landlords, that tenants

are in full possession of the farms they occupy ; which, until of late years, they have been led by indulgent treatment to consider as hereditary possessions, descending from father to son through successive generations ; the insertion of their names in the rent roll having been considered as a tenure almost as permanent and safe as that given by a more formal admission in a copyhold court.[1]

[1] *Rural Economy of Yorkshire*, i. 22.

EASTERN COUNTIES

LINCOLNSHIRE

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| 0·29 | — | Common field, 29·1<br>Common, 8·0 | 29·3 |

The parts of Lincolnshire visited by Leland were 'champaine', and Celia Fiennes found 'fine champion country', and though we know there was much reclamation in the seventeenth century most of the enclosure seems to have been effected after 1700.

Two reports were written: one by T. Stone, 'one of the most judicious critics of the time,' in 1794; the other by A. Young, the secretary of the Board of Agriculture in 1799, from which it appears that common pasture, including marshes, covered 200,000 acres, and common fields 260,000 acres. The fens were not yet completely enclosed.[1]

An immense enclosure of 12,000 acres in the Isle of Axholme was just beginning.

The advantages of enclosure are strongly insisted on by Young, and he gives among other examples that of Lincoln Heath, where,

> I found a large range which formerly was covered with heath, gorse, &c., yielding in fact little or no produce, converted by enclosure to profitable arable farms let on an average at 10*s.* an acre, and a very extensive country all studded with new farmhouses, barns, offices, and every appearance of thriving industry; nor is the extent small, for these heaths extend near 70 miles and the progress is so great that very little remains to do.[2]

However, he paints another picture of some land between Sleaford and Lincoln which ought never to have been enclosed: 'I saw hundreds of acres in the veriest state of waste I ever saw land, whether appropriated or unappropriated, in this kingdom. Half a dozen wild rabbits were

[1] Total area (1913), 1,700,844 acres; cultivated area, 1,522,706 acres; woods, 44,175 acres.

[2] It was the chief pride of Tennyson's 'Northern Farmer' that he had 'stubbed Thornaby waste', doubtless after some enclosure award.

all the stock I observed upon them with scarcely a blade or leaf of herbage to keep even these alive ; doubtless through the folly or madness of the first occupiers (after appropriation) in converting them to arable farms instead of sheep walks and rabbit warrens.'

Stone, in his report, gives a table showing that in the parishes therein mentioned, about 23 in number, together with a large quantity of fen land, 92,053 acres had been enclosed, of which the annual value before enclosure was £21,490, but after, £72,150. The cost of enclosing amounted to £175,191, and allowing 5 per cent. interest on this sum the net annual gain to the owners was £41,905.

When discoursing with some friends

at Louth upon the characters of the poor, observations were made upon the consequence of great commons in nursing up a mischievous race of people, and instanced that on the very day we were talking a gang of villains were brought to Louth gaol from Coningsby who had committed numberless outrages upon cattle and corn, laming, killing, cutting off tails, and wounding a variety of cattle, hogs, and sheep ; and that many of them were commoners on the immense fens of East, West, and Wildmore.

CAMBRIDGESHIRE

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| 0·25 | — | Common fields, 34·5<br>Common, 3·9 | 36·3 |

As a large part of Cambridgeshire was anciently fen land much of it never passed through the common field stage, and the upland was enclosed late.

Charles Vancouver,[1] reporting in 1794, says there were only 15,000 acres of enclosed arable in the county against 132,000 of open field arable, while there was an enormous area of waste and unimproved fens. The northern part of the county was famous for being the most backward district in England. Yet, he says, the mass of the farmers were

[1] Marshall calls him a man of ' spirit and indefatigable industry ', acquainted ' with rural pursuits '.

decidedly in favour of enclosure. He gives an example of the crops on an enclosed and on an unenclosed parish adjoining each other in South Cambridgeshire :

| | Childerley. (*enclosed.*) | Hardwicke. (*open.*) |
|---|---|---|
| Wheat | 24 bush. per acre | 16 |
| Barley | 36 „ „ | 18 |
| Oats. | 36 „ „ | 18 |
| Peas and Beans | 20 „ „ | 8 |

Further, in Childerley there was no sheep rot, but most of the neighbouring open parishes were desolated by it, owing to the want of drainage.

In 1811 the Rev. W. Gooch issued a second report which states that in 1806 no less than 43,000 acres of open field had been enclosed as well as 20,000 acres of waste and fen, and 'Cambridgeshire farmers had an opportunity of redeeming the county from the stigma under which it had so long lain of being the worst cultivated in England, and of proving that the same industry, spirit, and skill which have been manifested in other parts of the kingdom existed also in this ; the open field system precluding the possibility of exercising them.'

According to Dr. Slater no less than 140,013 acres were enclosed between 1802 and 1845 by act, omitting acts which concerned waste only.

NORFOLK

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| 0·71 | — | Common field, 19·2<br>Common, 6·9 | 32·3 [1] |

The western portion of the county was almost entirely open until the eighteenth century, but the rest was largely enclosed before that date, and Professor Gray says that 'enclosure awards from Norfolk drawn up after 1750 show little surviving open arable field '.

The first report on Norfolk was written in 1796 by the well-known Nathaniel Kent whom Marshall calls 'an estate agent of the highest class '.

[1] Gray, *op. cit.*, p. 305, says these figures are misleading.

According to him three parts out of four of the arable land was then enclosed, and there was about 80,000 acres of unimproved common, 63,000 acres of marsh land, and the same quantity of warrens and sheep walks.[1]

There was a less proportion in common field because the natural industry of the people was such that 'wherever a person can get four or five acres together he plants a whitethorn hedge round it, and sets an oak at every rod distance which is consented to by a kind of general courtesy from one neighbour to another'. By this method of piecemeal enclosure most of the common fields of East Norfolk appear to have been enclosed, and the greatest amount of enclosing under act took place in the period 1802–45.

Kent remarks that, among the disadvantages of open fields, was that of the long narrow strips which prevented cross ploughing and harrowing, and he says there was a vast amount of old coarse pasture land which needed breaking up as it was much better adapted for the growth of potatoes, hops, hemp, and flax. And he shrewdly remarks that 'the markets will ever regulate the proportion of arable and grass land better than any fixed plans that can be suggested.' And he further says,[2] 'Let the population of England be compared with what it was fifty years since and I presume it will be found increased nearly a third chiefly from inclosing.' And he had arrived at that conclusion from personal observation in many parts of England. 'There is another observation which I have made, that the larger the common the greater number and the more miserable the poor.'

Arthur Young also reported on Norfolk in 1804, and states the interesting fact 'that in all the enclosures in which Mr. Algur has been concerned as a commissioner, it has not been the practice to put poor men to the proof of the legality of their claims, but the mere practice is sufficient, and if they

[1] Total area (1913), 1,308,156 acres; cultivated area, 1,065,727 acres; woods, 58,126 acres. According to Marshall, *Rural Economy of Norfolk*, i. 4, 8. 'East Norfolk may be said to be a very old-inclosed country'.

[2] P. 74.

have proved the practice even of cutting turf it has been considered as a right of common and allotted for accordingly.'

This was doubtless an excellent method for those honest men who could not prove their legal rights, but it must have unduly favoured a large number of encroachers and trespassers.

Norfolk, not long before the period we have reached, had been in many parts almost transformed, mainly by the efforts of 'Turnip' Townshend, and Coke of Holkham.

Young, in his *Farmer's Letters*, says, 'half the county of Norfolk within the memory of man yielded nothing but sheep feed' but was now covered with fine barley, rye, and wheat.[1]

Townshend earned his nickname from his hobby of cultivating turnips, then rarely grown in England, and he is also famous for introducing the Norfolk or four-course rotation of crops still widely practised. Coke converted his estate from one where 'two rabbits fought for one blade of grass' into one commanding the pick of English tenant farmers, while 'Coke's Clippings', the famous Holkham Sheep Shearings, which he began by gathering his tenants for farming talk, grew into world-famous meetings, whither men came from all parts of the world. His example stimulated all England and made Norfolk 'the classic county of English agriculture'.

SUFFOLK

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| — | — | Common field, 3·5<br>Common, 2·6 | 7·5 |

Arthur Young reported on Suffolk in 1797, and anticipated the researches of modern inquirers by stating that it 'must be reckoned amongst the earliest enclosed of English counties, but there were very large tracts yet open'. The 'wastes' then amounted to 100,000 acres, and the great enclosure period by Act came after 1801, although from the

[1] However, in the fifteenth century the two great Norfolk families of Fastolf and Cromwell had grown rich by exporting corn to Flanders.

above figures it can be seen that Acts only affected a small area.

At Bradfield in Suffolk the best-known writer on English agriculture, Arthur Young, was born in 1741, his father being rector of that place. Like many writers on farming he himself failed at it. The very ' fine farm ' which he took in Essex, and so mismanaged as to offer a farmer £100 to take it off his hands, proved a complete success after Young had left it. Another farm which he took in Hertfordshire was equally disastrous to him.

For all that he remains our greatest authority on agriculture.

His industry was untiring, his power of observation remarkable, and his activity in inquiries and experiments incessant ; while his writings owe much of their fame to a racy, vivacious style which has been compared to Cobbett's.

His principal works were translated into French and Russian, and pupils came to him at Bradfield from all parts of Europe.

In short, he had the power of stimulating and interesting men's minds in a subject in the practice of which he was notoriously deficient.

ESSEX

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| 0·31 | — | Common field, 1·9<br>Common, 1·2 | 2·2 |

It is well known that the greater part of Essex was early enclosed, so we are not surprised to find C. Vancouver, who reported on it in 1795, saying, ' In common fields, Essex, it is probable, never abounded. Its lands have mostly been enclosed from the forest state.' However, in his report on South Essex, of the same date, he estimates the common fields then in the county at 48,000 acres.

Arthur Young, who made another report in 1807, says,

'Essex has been for ages an enclosed [1] county.' Indeed Essex, Norfolk, and Suffolk, owing to their early industrial development, were mostly enclosed at a very early date of which there is no record—part of the land from the wild state, and part from the open field state.

About this date horses were generally superseding oxen for draught purposes, though many clung to the latter, and Young records, with delight, how Lord Clare at Gosfield in Essex introduced 'a team of oxen with all their geers from Gloucestershire, and hired a driver in that county for the instruction of his own people', who, like most Essex farmers, preferred horses. 'This scheme, you may be very sure, was highly ridiculed by all the neighbouring farmers, who would as soon believe that an ox could speak as draw; but experience and ocular demonstration convinced them of the contrary.' But whether oxen or horses were used, the chief fault was that an unnecessary number were then employed, even on light land, 'merely in compliance with the obstinacy of the low people, for I believe the labourers are the great patrons of the practice, and will not touch a plough without the usual number of beasts in it.' [2]

'From Billericay to Tilbury one thing is observable, and that is the prodigious size of the farms—seven, eight, nine hundred, and a thousand pounds a year are not uncommon, the rent of these large farms running about 10*s*. an acre.' [3]

## WESTERN DIVISION

### Cheshire

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| 0·01 | — | Common field, 0·4<br>Common, 3·0 | 0·5 |

The enclosure of Cheshire, like that of other counties on the Welsh border, took place early, largely because of Celtic

[1] John Hales, in his *Discourse on the Commonweal*, 1549, refers to Essex as one of those counties 'wheare most Inclosures be'. Ed. Lamond, p. 49.

[2] *Southern Tour* (1769), p. 73. [3] Ibid., p. 86.

influences, and partly in consequence of the predominance of pasture over arable.[1]

It was first reported on by Thomas Wedge (of whose ability Marshall speaks highly but whose calling is not stated) in 1794, who says that ' of common fields there were less than 1,000 acres but several considerable tracts of waste lands have of late years been enclosed and others are now in contemplation.'

And Henry Holland,[2] who issued a second report in 1808, mentions ' still a very considerable proportion of uncultivated land in the county ', forests, hills, and peat moss chiefly ; though there had been much activity in reclaiming such lands in the previous two or three years.

SHROPSHIRE

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| 0·22 | — | Common field, 0·3<br>Common, 6·1 | 0·3 |

Shropshire, like the other counties on the Welsh border (Cheshire and Herefordshire), was early enclosed, evidence of which is furnished by Leland, Blith, and Celia Fiennes.

I. Bishton [3] issued the first report on Shropshire in 1794.

This county does not contain much common field lands, most of these having been formerly enclosed before acts of parliament for that purpose were in use ; and in comparison of many other counties this may be called an enclosed one particularly in respect of field land, and yet there remain many commons.

On the subject of enclosing commons he says, ' the idea of leaving them in their unimproved state to bear chiefly gorse bushes and fern is now completely scouted except by a few who have falsely conceived that the enclosing of them

[1] In 1913 there were of grass 338,586 acres ; of arable, 192,638 acres.

[2] Holland was a medical man, but as a reporter ' has very considerable merit ' though without practical knowledge.

[3] ' A professional man of considerable experience, and has formerly cultivated a farm of full extent.'

is an injury to the poor ; but if these persons had seen as much of the contrary effects in that respect as I have I am fully persuaded their opposition would at once cease. Let those who doubt go round the commons now open, and view the miserable huts and poor, ill-cultivated, impoverished spots erected or rather thrown together and inclosed by themselves for which they pay 6*d.* or 1*s.* a year ; which by loss of time both to the man and his family affords them a very trifle towards their maintenance, yet operates on their minds as a sort of independence ; this idea leads the man to lose many days' work by which he gets a habit of indolence ; a daughter kept at home to milk a half-starved cow, who being open to temptations soon turns harlot, and becomes a distrest ignorant mother instead of making a good useful servant. The surrounding farmers, by this means, have neither industrious labourers or servants, for most certain it is that in all the countries where this is the case the labourers are generally indolent, and the contrary is the case where they live under the farmer in comfortable cottages, work every day in the year with only a quarter of an acre of land, and have their children taught to read and put out to labour early.' Marshall, criticizing these statements, remarks that Mr. Bishton here speaks like 'a man of sense and feeling whose mind has reached a maturity of judgement by observation and experience *on the spot* ; his sentiments widely differing from those engendered in closets with which well-meaning people have been long amused and some misled'. And these words of Marshall were never more true than they are to-day.

In the second report written by Joseph Plymley, archdeacon of Salop in 1803, we hear that about that time 'a great deal of land was being enclosed by Act, but sometimes by private agreement ; . . . very large wastes still remain' in a very neglected and unprofitable state.

But the archdeacon was in error about the 'great deal of land being enclosed by Act', since there were only two Acts enclosing common field between 1802 and 1845, and a very small amount of parliamentary enclosure of commons.

HEREFORDSHIRE

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| 0·22 | — | Common field, 3·5<br>Common, 1·3 | 3·6 |

'Herefordshire', says W. Marshall, 'is an enclosed county. Some few remnants of common fields are seen in what is called the upper part of the county; but in general it appears to have been inclosed from the forest state; crooked fences and winding narrow lanes.[1] These circumstances assist in giving badness to the roads and beauty to the country.'

Two men reported on it for the Board of Agriculture, the first John Clark, of whom 'not a trace of information appears', in 1794, who tells us that waste lands in this county may be estimated at 20,000 acres,[2] and

the most extensive district of waste lands is situate at the foot of the Black Mountains. I do appeal to such gentlemen as have often served on grand juries in this county whether they have not had more felons brought before them from that than from any other quarter of the county. Yet the people there are not naturally more vicious than their neighbours. Idleness, that fell root on which vice always finds it easy to graft her most favourite plants, alone forms the difference.

Such people 'preferred any methods of providing for the demands of the day to the drudgery of labour'.

Duncumb also reported in 1805 but says nothing of importance on the subject of enclosure.[3]

[1] *Rural Economy of Gloucestershire, &c.*, ii. 190.

[2] Total area (1913), 536,071 acres; cultivated area, 447,937 acres; woods, 42,437 acres.

[3] Professor Gray says 'the open arable fields of this county had, before the days of parliamentary enclosure, so shrunken that they constituted not more than 2½ per cent. of its total area.' This is probably due in part to the fact that the English conquerors assimilated part of the British population along with the Celtic type of settlements, which were small, and of the hamlet type, and easily enclosed. There were also irregularities in the field arrangements of the county conducive to enclosure; these irregularities being due (1) to the situation of townships within fertile river valleys suited to enclosed pasture, and (2) the location of townships within a forest area settled late and enclosed directly from the forest. (*English Field Systems*, pp. 407–8.

Herefordshire was famous in the Middle Ages for the quality of its wool. In 1454 the wool of 'Hereford in Leominster' fetched the highest price in England. And in 1769 Young says that 'the finest wools they work at Witney come from Herefordshire and Worcestershire'.[1] The county was early celebrated for its apples. John Beale in 1656 says that 'Hereford is reputed the orchard of England', and Lord Scudamore, a little before this is said by Evelyn to have turned the county into 'one entire orchard', while Marshall at the end of the eighteenth century calls it the first cider county. It was a Herefordshire gentleman, Rowland Vaughan, who in 1610 gave us the first account of irrigation in England, which he called 'drowning' the land. About the middle of the eighteenth century Hereford cattle were becoming a distinct breed under the fostering energy of Tomkins, Weyman, Yeomans, and Tully.

WORCESTERSHIRE

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| — | — | Common field, 13·1 | 16·5 |
| | | Common, 5·0 | |

Reporter, W. T. Pomeroy (1794), a Devonshire man of whom nothing is known.

There were then about 15,000 acres of waste lands,[2] in general depastured by a miserable breed of sheep belonging to the adjoining cottagers, placed there for the sake of their fleeces 'the meat of which seldom reaches the market'.

'The lands are, in general, enclosed, the most extensive tracts in open fields lying in the neighbourhood of Bredon, Ripple, and the east.'[3]

After enclosure 'the rent has always risen, and mostly

[1] *Southern Tour* (1769), p. 131.

[2] Total area (1913), 455,214 acres; cultivated area, 384,450 acres; woods, 21,759 acres.

[3] Leland had noted that the north-west half of Worcestershire was enclosed by about 1540. Professor Gonner says the south-east was largely enclosed after 1760; the rest of the county is probably ancient enclosure, except the portion that remained to be enclosed by Act.

in a very great proportion ; the increase of produce is very great ; the value of stock has advanced almost beyond conception '. The considerable enclosure that had been made of late had been effected, some by Act, some by mutual consent of the parties interested. The most active period of enclosure by Act was in the ten years 1771–80 when no less than 10·6 per cent. of the area of the county was enclosed.

A Mr. Darke, who contributed to the report, emphasizes the great loss which farmers sustained in open fields from bad drainage. Indeed, open fields prevented drainage since every one knew that ' one negligent farmer, from not opening his drains, will frequently flood the lands of ten that lie above to their very great loss '. Therefore, ' draining the lands is the principal and first good effect from enclosure.' ' It is reckoned ', says another contributor, ' to take about five years' rent to enclose a farm.'

In 1769 Arthur Young was at Lord Lyttelton's seat at Hagley and describes, among other things, the draining which he saw there. It was before the introduction of scientific drainage by Elkington and Smith of Deanston, and the method may seem to us rude but it was apparently effective. Many drains were dug of various depths, and three or four inches wide at the bottom ; filled in first with turves wedged into the drains, on top of which was thrown ' the moulds without stone, wood, or anything, and the drains thus made have stood exceedingly well and never yet failed '.

Marshy lands were drained by cuts a yard wide at top, sixteen inches at bottom, and four feet deep, filled up eighteen inches with logs of wood and faggots, then the moulds on top.

Such primitive drainage as this increased the rental of the land from 5*s*. to 30*s*. an acre.

GLOUCESTERSHIRE

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| 0·46 | — | Common field, 17·6<br>Common, 1·1 | 22·5 |

The first report on Gloucestershire was written by

G. Turner, a farmer, in 1794, and Marshall in reviewing it tells us that 'the common field and common meadow state of agriculture we find scarcely anywhere more prevalent than in Gloucestershire where of course its pernicious tendency is most evident and best understood'.[1] Probably no part of England had been more improved within the previous generation than the Cotswolds which were almost entirely open in 1759; while much of the land of the Severn valley was enclosed late, for Marshall says in 1789 that 'perhaps half the vale is undivided property'.[2] The burden of paying tithe in kind had been got rid of there by giving up a part of the property in lieu of it—one-fifth of the arable and one-ninth of the pasture, and, in some cases, two-ninths of the first and one-eighth of the second had been agreed to. As the impropriator was exonerated from all expenses, except inside fences, the portion he took when one-fifth was allowed was really more than equal to one-fourth of the arable land, which seems out of all proportion.[3]

As an instance of the inconvenience of open fields Mr. Turner mentions one acre in the Vale of Gloucester divided into eight lands and spread over a large common field so that the farmer had to travel two or three miles to visit it all; and though he admits that this was exceptional there were many places nearly as bad. Further, when one man in the open field had sown his crop it was trampled upon by his neighbours who happened to sow theirs later; and 'in water furrowing one sloven may keep the water on and poison the lands of two or three industrious neighbours.'

[1] If this statement is true there must have been a large amount of unparliamentary enclosure after Marshall wrote, as the amount enclosed by Act is not large.

[2] *Rural Economy of Gloucestershire*, i. 16.

[3] Marshall notes that in the vale 'property is intermixed in the common arable fields in a singular manner, not with a view to general conveniency or to an equal distribution of the lands as in other places, but here the property of two men, perhaps neighbours in the same hamlet, will be mixed land with land alternately and a tradition prevails in the district that this intermixture was made to prevent the inclosure of the fields.' (*Rural Economy of Gloucestershire*, i. 16.)

The principal waste lands in the district in their then state were not only of very little utility but were productive of very great nuisance, that of the erection of cottages by idle and dissolute people, sometimes from the neighbourhood and sometimes strangers, who built wretched hovels of poles stolen from the neighbouring woods. 'These cottages are seldom or never the abode of honest industry but serve for harbour for poachers and thieves of all descriptions.' He also notices, as so many writers do, the extreme prevalence of sheep rot on commons and on common fields.

This is also commented on by Thomas Rudge,[1] who wrote another report on Gloucestershire in 1807 and states that the wastes and commons were usually poisoned by stagnant water which rotted the miserable animals turned adrift to seek their food so that it was justly questioned whether any profit accrued to the commoners.

He is convinced that enclosure meant an increase of population though many of the instances he gives are conversions of wastes into arable fields. 'It is remarked', he writes, 'that labourers who formerly were under the necessity of seeking employment in London and other places now find it in sufficient quantity at home in their respective parishes.'

He urges that some allowance should be made to the small proprietor for the greater cost in proportion of fencing his land, which was one cause of their opposition to enclosing—an allowance, which we have seen, was often made.

WILTSHIRE

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| — | — | Common field, 22·9<br>Common, 3·3 | 24·1 |

The early history of enclosure in Wilts. is extremely scanty, but Aubrey, in his *Natural History of the County*, says considerable enclosures took place in the north-west in the seventeenth century.

[1] Thomas Rudge, B.D., 'a man of education, well read on rural subjects but having, pretty evidently, had no practice.'

This county was ably reported on in 1794, says Marshall, by Thomas Davis (agent to the Marquis of Bath) who had acted as an enclosure commissioner and was a man of wide experience in all rural matters. The greater portion of the parliamentary enclosure of the county was effected between 1770 and 1820, and, at the date Davis wrote, North Wilts. was 'for the most part enclosed but not entirely so, there being still a few common fields remaining, and some commons'. The commons were in a very neglected condition, and the common fields in a very bad state of husbandry. Enclosure had been very slow during the last fifty years owing to the great difficulty and expense in making roads in a country naturally wet and deep, where the old public roads were almost impassable till quite recently. But several new turnpike roads had been made in the district, so that more enclosure was hoped for.

In the south-east corner of the county many common fields had lately been enclosed though there still remained many open.

Among other things Davis gives his version of the origin of common meadows. 'They shut up, and in some cases enclosed, such parts of their common pasture which were most proper to mow for hay, dividing them into certain specific quantities, either by landmarks or by lot, for mowing, and suffering the common herds of cattle to feed on them again as soon as the hay was carried off.'

He mentions three disadvantages of open fields which have usually escaped remark, viz. the difficulty of raising food for the winter feed of sheep which were considered, as they always have been, very necessary for the manuring of the arable by folding, a difficulty which in the absence of roots we can readily understand ; secondly, an excessive number of horses was required to cultivate the detached and scattered lands. Here he probably explains what must have puzzled many people, viz. the size of the mediaeval plough teams, which were normally eight, and sometimes ten and even twelve oxen or horses ; although we know that even where oxen are still used, two or four are sufficient to do the work

now that the land lies together. Were these large teams often divided for actual work ? [1]

The third objection to common fields which he mentions is the obligation to plough and crop all kinds of soil alike.

Although a strong advocate of enclosure he admits that common field farming sometimes kept the land from getting in a worse state insomuch as bad farmers were kept up to the mark by good ones by a good plan of husbandry, and sometimes on enclosure there had been actual deterioration in crops through bad farmers having their own way.

Davis made a report on South Wilts. in 1794 wherein he says ' there are no very extensive tracts of waste land in this district ', but the greatest half of the parishes ' are wholly or partly in a common field state '.

SOMERSET

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| 0·06 | — | Common field, 1·8<br>Common, 10·9 | 3·5 |

Somerset was enclosed very early, much of it probably direct from the wild state, the bulk being enclosed by the commencement of the seventeenth century, so we are not surprised to find parliamentary enclosure small.[2]

It was reported on by J. Billingsley, an experienced farmer, in 1794, whose advocacy of enclosure we have already noticed. In his report he mentions the enclosure and draining of considerable wastes under Act, so that many farmers whose fathers lived in idleness or sloth on the precarious support of a few half-starved cows or a few limping geese ' are now in affluence '.

In his report on West Somerset he estimates the marshland at 30,000 acres, common fields at 20,000 acres, and waste at 65,000 acres.

[1] According to a paper read before the Farmers' Club in 1909, four horses per 100 acres of arable is the modern average ; varying, of course, with the nature of the soil.

[2] According to Leland ' most part of all Somersetshire is yn hegge rowys enclosid '.

## THE MIDLANDS

### Staffordshire

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| 0·07 | — | Common field, 6·6<br>Common, 5·8 | 2·8 |

Marshall says of the Midland district which he examined in the *Rural Economy of the Midland Counties* (ii. 224), viz. the principal parts of Leicestershire, Rutland, Warwickshire, north Northamptonshire, east Staffordshire, and south Derbyshire and Notts., in 1790, 'half a century ago the district was principally open, now it is mostly enclosed,' but a few open fields remained. Much land was probably enclosed directly from the wild state in Staffordshire, and the common fields were never very widespread.

It was reported on by W. Pitt, a farmer, for the Board of Agriculture in 1794, and out of a total of 780,000 acres [1] in the county 141,760 were 'waste, forests, woods, and impracticable lands', of which 100,000 acres were reclaimable. He found the common fields very few, amounting to little more than 1,000 acres, and those badly tilled and worn out.

### Derbyshire

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| 0·10 | — | Common field, 16·2<br>Common, 5·1 | 15·9 |

The early history of enclosure in Derbyshire is vague: Blith in 1649 describes it as a gallant corn country from enclosure, but there is little other clear evidence on the subject.

Two reports were written on it, the first by Thomas Brown, 'an entire stranger but acquainted with rural subjects', in 1794; who says 'within the last fifteen years I believe that above one-fourth part of the whole county has been enclosed,' which statement, if true, must refer mainly

[1] Total area (1913), 734,920 acres; cultivated area, 591,719 acres; woods, 38,860 acres.

to unparliamentary enclosure as that by Act from 1700 to 1800 only amounts to 11·3 per cent. of the area.

In 1811–13 appeared the second report by John Farey, a mineral surveyor, who tells us that only thirteen open fields remained 'in an unproductive and very disgraceful state' although lying on the best 'stratum' in the county, but the expense of enclosing forbade their appropriation.

There were also 36 commons, some very small, and disgraceful nuisances; for instance, 'Elmton Common exhibits one of the most lamentable instances of deep cart-ruts and every other species of injury and neglect that can perhaps be shewn on useful land.' Roston Common near Birchwood Moor 'is miserably carted on, cut up, and in want of draining; in wet seasons it generally rots the sheep depastured on it, few can stand it two or three years,' and it was more injurious than beneficial to the parishioners and the public.

NOTTINGHAMSHIRE

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| 0·83 | — | Common field, 27·9<br>Common, 4·1 | 32·5 |

Here the parliamentary enclosure is considerable, and much land was also enclosed directly from the wild state; but there is scanty evidence as to the date of most of the enclosure.

Robert Lowe's [1] report was published in 1798 though it was apparently written in 1794, and it gives some interesting details about Sherwood Forest, which Marshall says may 'serve as items of history concerning forests in general.[2] There is always about each forest village a small quantity of enclosed land in tillage or pasture; the rest lay open, common to the sheep and cattle of the inhabitants, and the king's deer. It has been, besides, an immemorial custom for the inhabitants of townships to take up "breaks" or temporary enclosures of more or less extent, perhaps from 40 to 250 acres, and keep them in tillage for five or six years, for which the permission of the lord of the manor is necessary,

[1] Marshall says nothing was known of Lowe. [2] P. 21.

and two verdurers must inspect this land who report to the Lord Chief Justice in Eyre that it is not to the prejudice of the king or subject. They are to see that the fences are not such as to *exclude* the deer.'

Enclosure at the date of this report was going on rapidly in the county; there was seldom a session of parliament in which three or four bills were not passed for enclosing common fields, and little waste land was left, much the greater part of the forest being enclosed.

LEICESTERSHIRE

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| 1·09 | 2·32 | Common field, 41·8<br>Common, 6·1 | 38·2 |

Of the enclosure of this county we have much evidence. Besides that derived from Dr. Gay's tables we know there was much land enclosed in the seventeenth century; and the amount of parliamentary enclosure, chiefly in the eighteenth century, is large.

Mr. J. Monk, described as 'late of the 19th Light Dragoons', wrote a report on it in 1794 in which waste lands were said to amount to 20,000 acres, of little value in their present state.[1]

W. Pitt, who reported on Staffordshire, wrote another report on Leicestershire in 1809, and states that 'a very large proportion of this county has been enclosed in modern times and within the last thirty or forty years under different acts of parliament; very little of the county now remains unenclosed except the wastes. I suppose the whole county does not contain more than six or eight open fields amounting to about 10,000 acres.'

He mentions the fact that a large tract in the Vale of Belvoir was, before enclosure, in an open chase or forest stocked with deer, the remainder open field, on the crops of which the deer often committed depredations.

In 1795 there died at Dishley in Leicestershire Robert

[1] Total area (1913), 530,642 acres; cultivated area, 473,551 acres; woods, 14,229 acres.

Bakewell, the greatest of improvers of English livestock. He started his experiments in 1760 on succeeding to his father's farm, and his great production was the new Leicester breed of sheep which gave England two pounds of mutton where she had one before. The reputation of his flock became so great that from his ram 'Two Pounder' alone he received an income of 1,200 guineas a year.

The cattle which he set to work to improve were the old Longhorn breed, the cattle of the Midlands, and there was need for improvement, as Culley in 1807 says that the cattle esteemed hitherto were the 'large, long-bodied, big-boned, coarse, flat-sided kind' whose capacity to draw the plough was as much valued as their beef.

This breed, until quite recently, has almost completely disappeared, but his principles are still acted upon, viz. correlation of form, and the practice of consanguineous breeding under certain conditions.

RUTLAND

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| 0·55 | — | Common field, 46·1<br>Common, 0·3 | 46·5 |

The enclosure of this county, again, like other midland counties, figures largely in the reports of early commissions and acts of parliament, though even here it will be noticed that the enclosure of large tracts is unrecorded.

John Crutchley wrote its report in 1794, and then 'about one-third is unenclosed', an area which the parliamentary enclosure since his report accounts for.[1]

Although he admits that arable open fields which, on enclosure, were converted to grass, required fewer hands, he had no hesitation in saying that on the whole enclosure increased population.

Richard Parkinson, a well-known authority on rural economy, bred a farmer, made a second report in 1808 in which he says 'to the honour of this county I have to

[1] See Slater, *op. cit.*, p. 203.

observe with the greatest satisfaction there are no wastes in it '.

WARWICKSHIRE

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| 1·68 | 0·93 | Common field, 23·2<br>Common, 2·0 | 25·0 |

In the county north of the Avon much land was enclosed directly from the wild state at an early date, as Leland noted in 1540 that the north-west was much enclosed. It is the ' champion ' country in the south and especially the south-east which was the scene of parliamentary enclosure.

The reporter of the county for the Board of Agriculture was John Wedge, agent to Lord Aylesford, 1794, and he estimates the waste lands at 120,000 acres.[1]

Forty years before, he says, the southern and eastern parts of the county lay mostly in open fields which ' are now chiefly enclosed ', but there were still 50,000 acres of open fields in Warwickshire, and Wedge goes on to say ' that upon all enclosures of open fields the farms have generally been made much larger : for these causes the hardy yeomanry of country villages have been driven for employment into Birmingham, Coventry, and other manufacturing towns, whose flourishing trade has sometimes found them profitable employment ', but this apparently was because many of the fields had been turned into grass.

Adam Murray, a land surveyor, reported again in 1813 that the extent of commons and unenclosed land was much less than in most counties, the south-east part having been all enclosed.

At the end of the eighteenth century implements were often clumsy and unwieldy. In Warwickshire and the neighbouring counties wagons with ' geering ' on were seven or eight feet high, and fourteen or fifteen feet long in the body, with high wheels so that ' near an acre of ground was required to turn on ', and a horse or two extra to draw it.

[1] Total area (1913), 601,451 acres ; cultivated area, 506,264 acres ; woods, 11,165 acres.

'The gawkiness of its construction originated, no doubt, in the depth of the roads, for a tall wagon was drawn on its belly seldomer than a low one.'

The plough was a long, heavy, unwieldy implement requiring five or six horses to work it, though in other parts of England ploughs were much lighter and handier.

The Warwickshire harrow was of very large dimensions, with five bulls and twenty-five tines, very heavy and with the tines very long and strong, hung behind a pair of wheels, and drawn by shafts.[1]

NORTHAMPTONSHIRE

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| 2·21 | 4·30 | Common field, 51·4<br>Common, 2·9 | 51·5 |

We thus have recorded over 60 per cent. of the area of this county; a greater extent than in any other county.

Its report was written in 1794 by James Donaldson, who, Marshall says, had paid particular attention to the subject of enclosure. Out of 316 parishes at that date 89 were in open field, and of these, says Dr. Slater, all but one have been enclosed by act of parliament, a very unusual record; for, as we have seen, the enclosure of great quantities of land is unrecorded both in ancient and modern times.

Besides these open fields there were many thousand acres of woodland [2] and the great Peterborough Fen in a 'state of commonage'. One-half of the enclosed parishes were old enclosures and occupied as grazing farms; no doubt some of the land which had caused the disturbances of the sixteenth and seventeenth centuries.

He asserts that the stock on the commons was liable to so many diseases and accidents that the commons were worth next to nothing to the commoners. In the open fields 'one obstinate tenant has it in his power to prevent the introduction of any improvement however beneficial to the other inhabitants of the parish. . . . The tillage lands are

[1] Marshall, *Rural Economy of Midland Counties*, i. 142.

[2] Woods (in 1913) covered 28,541 acres, out of a total area of 636,123.

divided into small lots of two or three old-fashioned, broad, crooked ridges (gathered very high towards the middle or crown) being the only means of drainage, and consequently the farmer possessing 100 acres must traverse the whole extent of the parish, however large, in order to cultivate this small portion.' And the never-failing corn crops exhausted the soil.

Even on the common meadows the hay crop was much less than on enclosed fields owing to bad management.

'The leys are generally divided into three fields' one for sheep, another for cows, and on the third the 'shameful practice' of tethering horses is continued. There was no profit derived from stock kept on the commons except through the manure. The only objection to enclosure was that it meant depopulation.

W. Pitt wrote a second report in 1809 when about seventy common fields still remained unenclosed.

HUNTINGDONSHIRE

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| — | — | Common field, 55·8 | 46·5 |
| | | Common, none | |

Part of Huntingdon, like Cambridge, was originally fen land and never passed through the common field system, but the dry 'highland' or 'upland' part was not enclosed until late. The large area enclosed in the period 1700–1870 seems to show that there was not much enclosure before that date, but information on the subject is very scanty.

Thomas Stone, who had also surveyed Lincolnshire, reported on this county in 1793 when 130,000 acres were common and common fields, 66,000 acres were enclosed, and 44,000 were fen land; but George Maxwell, who wrote a report in the same year, says the whole county only contained 210,000 acres, of which, deducting the woodlands, one-half of the high lands were enclosed.[1]

[1] Total area (1913), 233,221 acres; cultivated area, 209,513 acres; woods, 4,993 acres.

A third report was written in 1811 by R. Parkinson who estimates the area of the county at 195,000 acres, and more than two-thirds of the common field lands had by then been enclosed, which had doubled the rent and lowered the rates.

It must be confessed that these three varying estimates of the area of the county do not inspire great confidence in the accuracy of those who made them.

OXFORDSHIRE

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| 2·45 | — | Common field, 40·8<br>Common, 3·0 | 45·6 |

Apart from that recorded by Act and by the Commission of 1517 the history of enclosure in Oxfordshire is very scanty. Leland mentions none, and there is little trace of it in the seventeenth century, while Celia Fiennes, in 1695, notes enclosures near Oxford, and from the Malvern hills saw in the county ' plaines, enclosures, woods, and rivers, and many great hills '.[1]

The first report was written in 1794 by Richard Davis, an estate agent and farmer, who says there were upwards of 100 unenclosed parishes or hamlets, and, among their disadvantages, mentions the constant quarrels which happened from trespasses of cattle, as well as by farmers ' ploughing away from each other's land '.

In 1809 Arthur Young made another report which is severely criticized by Marshall as being that of an ' enquiring visitant ', who put down every assertion of opinion, and ' filled with pages of contradictory assertion ', but Marshall was a disappointed man who had originally suggested the compilation of the surveys, and was apparently not consulted in the selection of the surveyors. At all events the report contains valuable information and is almost Young's last literary work.[2]

Young says that except Wychwood Forest and ' Otmoor ' there was not much waste land. The former corrupted the

[1] *Through England on a Side Saddle*, pp. 24 and 33.

[2] Prothero, *op. cit.*, p. 197.

morals of the whole surrounding country, being filled with poachers, deer-stealers, thieves, and pilferers of every kind—a terror to all quiet and well-disposed persons.

As regards enclosing 'in proportion to the size of the county there had been more in the last forty years than in any county, but there still remained 100 parishes unenclosed,[1] a large proportion of which were not enclosed until after the General Enclosure Act of 1845.

In the 20 years previous to Young's report 'the husbandry had incredibly improved in almost every particular; if you go into Banbury market next Thursday you may distinguish the farmers from enclosures from those from open fields—quite a different sort of men, the farmers as much changed as their husbandry, quite new men in point of knowledge and ideas.'

BUCKINGHAMSHIRE

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| 2·08 | 1·48 | Common field, 34·8<br>Common, 1·0 | 34·2 |

Buckinghamshire is divided into two distinct parts by the Chilterns, and in the south-eastern portion Leland found enclosure already begun, probably some of the woodlands had been enclosed from the wild state. Camden [2] says the vale land to the north was 'almost one continued plain, with a clayey, strong, rich soil, and rich meadows feeding innumerable flocks of sheep'. In Ogilby's time (1675) the south appears much enclosed, and Celia Fiennes, a few years later, says that from Stony Stratford to Great Horwood the country was fruitful, full of woods, enclosures, and rich ground.

[1] From 1794–1808, 16,050 acres were enclosed by Act. Before 1760 the salient feature of agricultural development in Oxfordshire was the improvement of fields as they lay unenclosed. From the end of the sixteenth century many two-field townships were divided into four, with a four-course rotation of crops, and in the eighteenth century the rotation of crops became as complex as upon enclosed lands. (Gray, *English Field Systems*, p. 408.)

[2] Gough's ed., ii. 36. Camden completed his *Britannia* in 1586.

Arthur Young, when on his Eastern Tour [1] in 1771 saw many open fields in the north-western portion, and asked 'as for the landlords what in the name of wonder is the reason for their not enclosing?'

The county was reported on by W. James and Jacob Malcolm in 1794, who estimated the waste at 6,000 acres and the common fields at 91,906 acres.

The Rev. St. John Priest, secretary to the Norfolk Agricultural Society, also wrote a report in 1810 but it contains no trustworthy evidence on our subject. Enclosure by Act took place in the northern part mainly in the eighteenth century, and in the southern portion in the nineteenth.

BEDFORDSHIRE

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| 1·37 | 3·32 | Common field, 44·0<br>Common, 0·1 | 46·0 |

By general testimony nearly the whole county was, in early times, under the common field system. In the fifteenth and sixteenth centuries, according to Dr. Gay's tables, there was some enclosure, most of it being reported by the Commission of 1607. During the seventeenth there was little, so that most of the county was enclosed in the eighteenth and nineteenth centuries by Act and voluntary agreement.

The report was written in 1794 by Thomas Stone, who also surveyed Hunts. and Lincolnshire, who estimated the area of the county at 307,200 acres, cultivated as follows:

| | *Acres.* |
|---|---|
| Enclosed meadow, pasture, and arable | 68,100 |
| Wood | 21,900 |
| Open fields, meadow, and waste | 217,200 |
| | 307,200 [2] |

[1] P. 18.

[2] Total area (1913), 301,829 acres; cultivated area, 254,934 acres; woods, 12,783 acres. Stone's estimate is much nearer the mark than most of the others.

As Mr. Prothero says, Bedford shared with Cambridgeshire the reputation of being the Boeotia of agriculture.

Stone mentions a point which, Marshall says, shows good sense and practical knowledge, and one which has generally escaped notice. Many farmers before enclosure, knowing it was coming, and not being certain what lands would be allotted them, had farmed their land so badly that it was much deteriorated, while others had farmed it well, and upon enclosure the commissioners were obliged to consider the worn-out state of the badly farmed lands in making their allotments, so that the owners of such land received a smaller proportionate share than they would have had if their land had been farmed well. Thus the proprietor suffered from the tenant's neglect.

Thomas Batchelor wrote another report in 1808 in which he says that since the previous report enclosers had been busy and rather more than one-third of the county then remained in open field.

SOUTHERN DEPARTMENT [1]

HERTFORDSHIRE

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| — | — | Common field, 11·9<br>Common, 4·3 | 13·1 |

Hertfordshire is an old enclosed county, much of it, as the land was largely covered with woodland, being enclosed as the land was cleared, and coming into use apparently in the fifteenth, sixteenth, and seventeenth centuries.

Its report for the Board of Agriculture was written in 1795 by D. Walker, a ' professional man of superior intelligence ' in many particulars relating to rural economics. In his time ' the land is generally enclosed though there are many

[1] I have followed Marshall in classing Herts. in the southern department, though it is north of the Thames.

small common fields lying intermixed in small pieces ', and there was only about 4,500 acres of common or waste remaining.

The county is remarkable for the number of enclosures after 1845 and for the number of fields that remained open until the present day.[1]

Walker's opinion of commons was as unfavourable as those of all the other reporters :

Where wastes and commons are most extensive there I have perceived the cottagers are the most wretched and worthless, accustomed to rely on a precarious and vagabond subsistence from land in a state of nature. When that fails they recur to pilfering and thereby become a nusisance to their honest and industrious neighbours. It may be truly said that for cottagers of this description the game is preserved, and by them destroyed, and when they can earn 4*s.* or 5*s.*, and sometimes more, in a night by poaching they will not be satisfied with 10*d.* or 1*s.* a day for honest labour.

A second report was written by A. Young in 1813 when a considerable amount of enclosure remained to be done in the north of the county and there were many small scattered open fields in other parts which needed a general Act as by private Acts their enclosure would be too expensive. He also notes the quantity of waste as inconsiderable. The common at Cheshunt, which had just been enosed, had not been used by the poor but by a parcel of jobbers who had hired cottages that they might eat up the whole.

[1] Slater, *op. cit.*, p. 218. Gray, including Herts. in the Lower Thames Basin with Surrey, Middlesex, and Essex, says that in this district, although the unit of villein tenure was the virgate, it was scattered irregularly throughout several fields ; there being no three-field system except in a few localities, one of which is the north-western region of Herts., from which Seebohm took Hitchin as a typical three-field township. (Gray, *op. cit.*, p. 369.)

BERKSHIRE

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| 1·39 | — | Common field, 30·2<br>Common, 3·9 | 26·0 |

Most of the enclosure in this county was effected in the eighteenth and nineteenth centuries, and, as W. Pearce, the reporter for the Board in 1794, says, half of the arable land at least was then in common fields, that at all events was enclosed late, mostly by agreement, the Acts only relating to about 20 per cent. of such land after 1793.

The portion Leland rode through was champion, though Celia Fiennes found the Vale of White Horse a rich enclosed country.

W. Pearce, the reporter, was a nephew and pupil of Nathaniel Kent, so that his qualifications should not be doubted.

Waste lands, according to him, were very extensive, and occupy a great proportion of the county, in all about 40,000 acres[1] ' returning little or nothing to the community ', ' and we generally see on all the commons a number of miserable cattle, sheep, and horses which are a disgrace to their respective breeds, and the cause of many distempers.'

There were at this date 170,000 acres of enclosed lands, parks, and woods, 220,000 acres in common fields and downs, and 40,000 acres in forests, wastes, and commons. With the roads this amounted, he estimates, to a total area of 438,977 acres.

Dr. William Mavor, LL.D., issued a second report in 1813 though it apparently deals with the state of the county in 1807.

He estimates the total area at 464,500 acres, an approximate calculation, of which about 60,000 were commons or wastes—a very considerable difference from that of Pearce.

[1] Total area (1913), 460,846 acres; cultivated area, 349,078 acres; woods, 37,741 acres.

He gives an account of the way in which money was wasted in the business of enclosing :

The grand system of fleecing (he says) only commences with the circuitous and protracted manœuvres of solicitors and commissioners who are to put it in force. Summonses are sent to every individual proprietor by the attorney on the most trifling occasions in order to swell his bill ; and meeting is held on meeting by the commissioners that they may come in for their full share of the spoil.

When the award was at length made, this instrument, instead of defining all points with precision, has been known to contain intentional omissions to furnish the lawyer with a future job and involve the unfortunate owners in new expenses. Further, though one copy of the award was ordered to be deposited in the parish chest, and another with the clerk of the peace, or in one of the courts at Westminster, the solicitor often managed to have only one copy made which he kept in his own possession and for consulting which he made charges.

And as an example of the inconvenience of common fields, I know a deserving young farmer who, with the consent of the other parishioners, planted sainfoin and sowed turnips on a common field, but a purse-proud, overbearing wretch in an adjoining parish, who occupied only a few acres in the other, turned his sheep and cattle in at the usual period and destroyed the greatest part of the turnips and sainfoin for which there was no redress.

Berkshire has the honour of being the birthplace of Jethro Tull, though it was at Howberry in Oxfordshire that he invented his drill in 1701, the predecessor of all agricultural sowing implements. He tells us, quaintly enough, that his invention was largely prompted by his desire to do without farm labourers, who appear to have been astonishingly insolent, for they ' insulted, assaulted, kicked, and cuffed ' their employers.

It has been said that agriculture owes more to Tull than any other ; for the principles which he inculcated, the chief of which was the deep and thorough pulverization of the soil, revolutionized British farming.

MIDDLESEX

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| 1·52 | — | Common field, 19·3<br>Common, 7·4 | 19·7 |

We have little information on the early history of enclosure here, except from the tables relating to the Commission of 1517 and Leland's mention of some enclosure near Uxbridge.

Peter Foot, a land surveyor, reported on the county in 1794, when many thousands of acres lay waste and were of little use or no value to the individuals interested in them, and an absolute nuisance to the public.

There was a large tract of excellent meadow land [1] on the Middlesex side of the river Lea, containing about 1,000 acres divided into allotments of, generally, two or three acres which were laid up for mowing on April 5th and opened for commonage on August 12th, 'and this is what is called Lammas tenure.' But the meadows were much injured by neglect of the drainage and owing to the old reason that what was every one's business was nobody's business.

Another land surveyor, John Middleton, reported in 1798 and estimated the commons or wastes at 17,000 acres, which were a real injury to the public by holding out a lure to the poor man to build a cottage where he had firing and the run of his poultry and pigs for nothing, which of course induced a number of shiftless persons to settle near the commons. 'Gipseys, strollers, and other loose persons infested the commons; in short the commons of this county are well known to be the constant resort of footpads and highwaymen, and are literally and proverbially a public nuisance.'

Out of 23,000 acres of arable land in the county, Middleton says 20,000 were then in open field. Out of a total area of 147,007 acres in 1913 (excluding London), 88,522 were cultivated, and of this quantity 24,400 were arable.

[1] Was this part of the Middlesex meadow land mentioned by Adam Smith as devoted to hay for the London horses?

DORSET

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| — | — | Common field, 8·3 | 8·7 |
| | | Common, 5·0 | |

Again information about enclosure is lacking. A large portion of the north was directly enclosed from the wild state in the seventeenth century,[1] but in the south common field was more extensive, though there are no records as to when most of it was enclosed.

It was reported on by John Claridge in 1793, 'a partner of the late Mr. Kent,' and therefore well versed in the business of estate agency.

He tells us that the greatest proportion of waste lands then lay in the south-east; as for common fields, very few had of late years been enclosed, but he gives no definite quantities, neither does W. Stevenson who went over the county in 1812.

HAMPSHIRE

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| 0·10 | — | Common field, 6·0 | 6·4 |
| | | Common, 5·1 | |

As a large part of Hampshire was down or forest the open field was comparatively rare. Leland found enclosures in the south but none in the north. In Ogilby's time (1675) there was more enclosure in the south-east; but exact information is very scanty.

Abraham and William Driver, two surveyors, were the reporters in 1794 when there was 'a vast quantity of waste land in Hampshire and Dorset'. They estimated the total quantity of waste land in the former at 104,845 acres,[2] but they do not say anything about open fields, and C. Vancouver, who wrote about 1808, gives no quantities of either.

[1] Gonner, *op. cit.*, p. 243.

[2] This amount could not have included the Downs, for in 1913 out of a total area of 955,068 acres (excluding the Isle of Wight) only 608,747 are returned as cultivated.

SURREY

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| — | — | Common field, 6·0<br>Common, 4·1 | 6·4 |

A large part of Surrey, Sussex, and Kent was forest and never passed through the open field system, but was enclosed from the wild state when the forest was cut down in the seventeenth century. Much also is still chalk down. In Surrey the largest amount of open field lay near the Thames: in the rest of the county there can have been but little, and on the whole it seems to have been an early enclosed county.

Its surveyors for the Board were W. James and Jacob Malcolm, nurserymen on an extensive scale, and they reported, in 1794, about 75,000 acres of common or waste, and 12,435 acres of common fields.[1]

William Stevenson made another report in 1806 or 1807 which was published in 1813, and states that since the previous report there had been enclosed:

| | *Acres.* |
|---|---|
| Heaths . . . . . | 4,500 |
| Commons . . . . . | 4,900 |
| Open fields . . . . . | 2,700 |
| | 12,100 |

KENT

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| — | — | Common field, none<br>Common, 0·5 | — |

As is well known, most of Kent[2] was enclosed early, chiefly

[1] Total area (1913), 458,908 acres; cultivated area, 258,347 acres; woods, 55,864 acres.

[2] See above, p. 111. Gray says that the Kentish field system was of Roman origin, the best defined feature being the *iugum*, the unit of villein tenure, compact and rectangular in shape, which became divided among coheirs, and colessees. The rotation of crops was variable, and the absence of a three-course rotation, and especially of a large compact fallow field, made easily possible the reconsolidation of scattered parcels as soon as the tide turned in that direction, which was apparently in the fifteenth century, and Kent thus early possessed enclosed farms. (Gray, *op. cit.*, pp. 303 and 415.)

from the wild state, and there are no Acts for the enclosure of common fields.

John Boys, the reporter for the Board, a large farmer (1796), says, 'there is no portion of Kent that is occupied by a community of persons as in many other counties,' but there were 20,000 acres of commons in general covered with furze and fern, feeding some lean cattle and half-starved sheep.

Kent, at this date, was the great fruit-growing county of England as it had been for many years. Norden in 1608 thought that 'above all others the Kentish men be most apt and industrious in planting orchards with pippins and cherries'. A good crop of cherries would buy the freehold of the land they grew on.

Hops were the subject of a petition to Parliament from Kent 'as a wicked weed' as early as 1428, though from seventeenth-century writers it seems that other counties were better known for their growth than Kent, in spite of the fact that the Maidstone district was called 'the mother of hop grounds'.

In the first half of the eighteenth century Defoe tells us that the bulk of the hops sold at the great Fair of Stourbridge came from Chelmsford, Canterbury, Maidstone, and Farnham: and 6,000 acres round Canterbury had all been planted within living memory. From that date Kent became the leading hop county.

Sussex

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| — | — | Common field, 1·7<br>Common, 1·9 | 1·9 |

The Weald of Sussex, like the Weald of Surrey and Kent, never passed through the open field system, but in the time of Blith (1649) much was enclosed. As the above figures show there was hardly any enclosure by Act, and though the reporter, the Rev. A. Young, son of the great Arthur Young, mentions 110,000 acres of waste in 1799, he says nothing of

open fields, so we may safely assume that, like Kent, the county was enclosed in early times.[1]

SOUTH-WEST OR PENINSULAR DEPARTMENT

CORNWALL

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| — | — | Common field, none<br>Common, 0·8 | — |

The above figures are unnecessary to remind the reader that Cornwall, like Devon, was subject to Celtic influence and enclosed in very early times.

Leland, in Cornwall and Devon, found no 'champaine', and frequent enclosure; and Celia Fiennes saw 'much for enclosures that makes the wayes very narrow, so as in some places a coach and waggons cannot pass, they are forced to carry their corn and carriages on horses' backs with frames of wood like pannyers'.[2]

From the report of Robert Fraser in 1794 it appears that one-third of the county was under a regular course of husbandry, one-third in furze crofts which 'are only broken up once in 25 or 30 years': the remaining third was wholly unenclosed marshy ground.

From another report of G. B. Morgan in 1807 or 1808 we learn that there was 'no case till very recently of enclosure by Act (of commons only) yet numerous instances of parcels of land being taken up from the waste and enclosed with temporary dead fences for the purpose of securing two or three crops of corn, after which the land is consigned to waste again': an interesting example of the survival of extensive cultivation.

[1] Marshall, speaking of the Weald of Sussex in 1798, says, 'the inclosures appear pretty evidently to have been made from a state of woodland.' *Rural Economy of Southern Counties*, ii. 100.

[2] *Op. cit.*, p. 9.

DEVON

| *Gay.* | | *Gonner.* | *Slater.* |
|---|---|---|---|
| 1517. | 1607. | 1700–1870. | 1700 to recent times. |
| — | — | Common field, none | — |
| | • | Common, 1·7 | |

Robert Fraser also reported on Devonshire, in 1794, that there were 320,000 acres, or one-fifth of the county, in waste land. In 1913, out of a total area of 1,666,797 acres, 1,201,855 were cultivated, and woods covered 88,522 acres.

Devonshire orchards were famous in the seventeenth century, for, according to Westcote, writing about 1630, Devon men had of late much enlarged their orchards, and 'are very curious in planting and grafting all kinds of fruit'; while Gervase Markham, about the same time, mentions the cider-making of Devon and Cornwall. The *Compleat Cyderman*, written in 1754, claims that Devon then excelled all other parts of England in the management of fruit trees, but this reputation was not maintained at the end of the century according to contemporaries.

Devon had long been renowned for its red cattle, but about the time we are dealing with their standard of excellence had somewhat declined as the war prices had tempted many farmers to sell their best bulls and cows out of the district so that good animals were scarce. It was due to Francis Quartly of Molland, more than any other man, that this deterioration was stayed, and the breed restored, by his skill and judgement.

W. Marshall, in 1796, noticed that the manor courts in West Devon were regularly held, and well attended, and that, by the custom of the country, inquests of manors had cognizance of the weight of bread within their respective precincts, 'an admirable custom which might be well extended.'

Marshall, indeed, was an advocate of the revival of manor courts as 'the most natural guardians of the rights of villagers, and the most prompt and efficient police of country parishes'.[1]

[1] *Rural Economy of West of England*, i. 22.

In 1813 Charles Vancouver wrote another report on the county, and states that the accounts he received as to appropriation were too vague to be of any use.

## CONCLUSIONS FROM THE EVIDENCE OF THE REPORTS

What conclusions are there to be derived from the perusal of these reports ?

In the first place it is to be noticed that among the many surveyors there is no landlord, so that it cannot be said the reports are biased in favour of that much-abused class. The reporters, indeed, represent many callings, so that their evidence is all the more comprehensive and valuable, for they looked at the question from many points of view. And their evidence[1] on two points is overwhelming : they thought the advantages of enclosure incontestable, and the disadvantages of commons far outweighed their benefits.

On the first point all people, who have had any practical knowledge of the land, will agree with these reporters at once.

The evidence on the second point is, I confess, surprising in its wholesale condemnation of commons and commoners, even to one conscious that the opinions of most modern writers on the subject, who lament the loss of the commons, are ' engendered in the closet '. It therefore needs some examination.

That the common pasture was essential to common-field farming is very evident : the holder of the virgate of arable land needed it for his stock which he could not have kept without it ; he could not even have fed the oxen who ploughed his virgate and so it would have been worthless. As Marshall says, ' common pastures and common fields are, in their original intention, and ever have been in their use, inseparable as animal life and food ' (*Rural Economy of Yorkshire*, i. 57).

On the break-up of that system the advantage of the common began to disappear. Commons were no longer

[1] Moreover, it is the evidence of specific inquiry on the spot.

attached as necessary adjuncts to arable land ; they became divorced from their proper use, and so attached to houses and even persons.[1]

In many cases, no doubt, they still served their ancient purpose, but in many they did not. Even where the open field system survived, its original simplicity, where each man had his more or less uniform piece of land with common attached, had largely vanished ; some men, through superior capacity, had acquired large shares, others had lost most of what they had—they helped to swell the ranks of ' the poor ' of whom we hear so much. The whole system had, in fact, been disintegrated : its purpose was served, and a new order was being evolved.

The common was a relic of a primitive agriculture whose chief use was gone. Here and there, even apart from still existing open fields to which they were still a necessary complement, some industrious men, labourers, and artisans profited by them, but, for all that, it was a mere survival, and was doomed to be converted to more profitable uses ; instead of rearing a crowd of half-starved stock it was to grow good crops or healthy beasts, or serve as a recreation ground for an ever-increasing population.[2]

In spite of the fact that many contemporary and subsequent[3] writers assert that the loss of the commons was a grievous blow to small holders (as indeed in many cases it was) there is no getting away from the mass of evidence on this point which the above reports contain, supported as it is by the testimony of many contemporary writers, and by the enclosure reports of 1808 and 1844.

[1] Many of the rights were hired by people who had no house or land ; e. g. at Elsworth, Cambridgeshire, where ' there are 62 rights and not more than two belong to real cottagers '. (*Annals of Agriculture*, xliii. 43.)

[2] According to the *Report* of 1808, p. 4, commons in many parts of England were not considered worth hiring. Again, p. 8, ' many good judges have questioned whether all the commons in the kingdom are worth a groat to the public, so poor are they.'

[3] See Johnson, *op. cit.*, p. 101, and Hasbach, *English Agricultural Labourer*, pp. 108 ff.

This evidence points clearly to the fact that the commons after the break-up of the common field system were more loss than gain to the community. They were very little use to the stock that fed on them ; they were poverty-stricken by centuries of overfeeding without any compensating manure, often covered with bracken, gorse, and brambles, and undrained so that sheep rotted by hundreds and the health of people dwelling near was affected. They were demoralizing to many of those who possessed common rights, leading them to hate steady labour and live a casual loafing life, while they further attracted hordes of trespassers or encroachers, the flotsam and jetsam of humanity, who eked out a miserable existence by pilfering and poaching.

# CHAPTER XVII

## THE EFFECTS OF ENCLOSURE IN THE EIGHTEENTH AND NINETEENTH CENTURIES

We may again consider the effects of the movement under two main headings : on agriculture and on the condition of the rural population.

But before doing this let us take another glance at the people on the land in the middle of the eighteenth century, that is, just before the full force of the enclosure movement set in. There still remained in England a large number of small and very small holdings, many of them perhaps carved out of the large pasture farms of which so much complaint was made in the fifteenth century. These were of various classes.

In the first place we have very small plots—some held by occupying owners and others by tenants or sub-tenants of a farmer. These were mostly day labourers who worked for neighbouring farmers, and could rise by industry and thrift to the position of small farmers. The disappearance of this class was, from now on, a constant source of complaint.

It was of these men that G. W. Perry in his *Peasantry of England* (p. 20) spoke : ' In 1832 I met with a gentleman in Suffolk who informed me that in his native parish in Cambridgeshire, in 1803, forty-three fires were extinguished, and as many comfortable cottages demolished, in order that a farm of 200 acres might be doubled in size.' [1]

The next class was that of the small farmer proper who cultivated his holding with the help of his family, and did not do outside work.

Then there were the smaller yeomen, or proprietors who farmed their own land, employing little outside labour, whose little farms would seldom exceed 100 acres.

[1] See Appendix VI.

All these three classes depended, to a considerable extent, on their rights of common, the deprivation of which was one of the causes of their great diminution in numbers.

The produce of these men was not, as a rule, corn, except for their own consumption, but livestock; also poultry, fruit, vegetables, eggs, butter, and milk, in the marketing of which their wives and daughters were of the greatest assistance. Many writers of the time notice this; among these J. S. Girdler, who, in his *Observations on Forestalling, &c.* (1800), says that men who possess 'little farms, or sometimes only cottages with small enclosures, support large families by selling their sweet little mutton and their calves, pork, pigs, geese and other poultry, butter, and eggs'. It was the large farmer who devoted his attention chiefly to corn-growing. Not that corn-growing in the first half of the eighteenth century was very profitable: from 1715 to 1765 the average price of wheat was 34*s.* 11*d.*, and complaints were loud and frequent.

There was therefore no great demand for the extension of large farms on which corn could be grown most profitably. But after 1765 a great change took place.[1] From that date until 1815 the price of corn rose almost continuously. Between 1760 and 1790 the average price was 45*s.* 7*d.* and 55*s.* 11*d.* in the following decade. From 1805 to 1813 it varied between 73*s.* and 122*s.* 8*d.* This was owing to bad seasons, the rapidly growing population, and the Napoleonic War, which hindered the imports now necessary. There was naturally a great desire to grow as much corn as possible, and the small farms were thrown into large ones on all sides for that purpose.

The era of the large corn-growing farm had set in and lasted until nearly the end of the nineteenth century, often, of course, combined with stock raising.

It was this that gave a great impetus to enclosure. Corn-growing in the old open fields was a wasteful and obsolete process, and enclosure was the only means of remedying this.

[1] Levy, *Large and Small Holdings*, p. 10.

### 1. The Effect of Enclosure on Agriculture

(*a*) *The cultivation of the land.* First the land was devoted to the purposes for which it was best suited, whereas under the common field system it was necessary to crop all sorts of land alike.

By enclosure farms, instead of being scattered all over the common fields, were laid together and therefore adapted to systematic management and more economical cultivation.[1]

The strips in the open fields being very long and narrow could not be cultivated crossways, but the enclosed fields could. The innumerable balks between the strips caused a considerable loss of ground—more than that caused by the hedges and ditches of enclosed fields.

Timber might be planted in the hedges for profit, though this is often at the cost of the crops ; elms, for instance, will impoverish the land by their spreading roots for many yards on either side of a hedge.

Hedges are useful in giving shelter to stock, but, though one of the peculiar beauties of English scenery, are of doubtful advantage and often cover a large area of ground.

Perhaps the greatest advantage of enclosure was that the good farmer was free from the incubus of the bad farmer and could give full vent to his enterprise.

The perpetual trespassing on the common fields was put an end to ; the ploughing up of balks, the moving of boundary stones, the dishonest tethering of horses so that they grazed on a neighbour's land, were no longer possible.

Another most important improvement was that at last land could be properly drained, and the drainage systems invented by Elkington and Smith of Deanston taken full advantage of. In the mixed strips of the open field any slovenly farmer, by neglecting his drains, might block up those of his neighbours.

The rotation of crops could be vastly improved by the use of clover and turnips, for it was impossible to grow crops that had to stand through the autumn and winter when the

[1] Thomas Davis, in his *Report on Wilts.*, p. 79, remarks on the additional number of horses required for the dispersed lands in the open fields.

fields were common after harvest and trampled on by every one's stock. Thomas Davis [1] says that it was impossible, in some cases, to raise sufficient hay or green winter food under the old system.

The difficulty of growing clover and turnips in the open fields is proved by the fact that, though introduced by the middle of the seventeenth century, they were not widely used for 150 years afterwards ; and the Act of 1773, for encouraging the growth of turnips in the common fields, was a failure and hardly ever put into use.

On the other hand, a drawback to the usefulness of enclosure was the freedom from restraint of the bad farmer, who, by the old common system of farming was kept to a certain level of method and industry, but was now free to do his worst.

(*b*) *The effect on livestock and crops.* The pernicious effect of common fields and commons on all kinds of stock has often been dwelt upon. All were mixed together—good and bad, healthy and diseased—and it was impossible to try and improve the breed as long as this was the case ; consequently, there was little improvement in the character of our livestock until the country was enclosed ; the small scraggy cattle and sheep of the Middle Ages were still to be seen in most parts of England well on into the eighteenth century. Disease was frequently prevalent, since the sick animals of one careless farmer would infect those of all the others. The work of Bakewell and the Collings would have been thrown away in the open fields and commons.

Again, in enclosed fields far less attendance on the stock was required ; the expense of herding was eliminated, for the hedges kept animals from straying.

The grazing of the commons and of the common fields was of the poorest quality, and the stock on them half starved from this reason and from the overcrowding.

Wool, for so long the sheet anchor of English farming, was said by many to have suffered from enclosure, since fine wool was only obtained from small sheep who flourished on

[1] *Report on Wilts.*, p. 79.

commons. In enclosed fields the sheep grew big and their wool coarse, and English wool about the time of the most active enclosure period is said to have deteriorated in quality though the bigger sheep produced more of it.

The excessive folding of sheep on the common fields for the sake of manure is said by Fitzherbert to have fostered the scab, while the constant hurdling was very troublesome.

But apart from the wool the quality of all stock was vastly improved, and so was the quantity.

No practical farmer would need to be told that a well-managed enclosed field will grow more stock than an impoverished common, though the grazing of some of the old meadows was doubtless good; and the *General Report of the Board of Agriculture on Enclosures* of 1808 abundantly confirms this:

NUMBERS OF LIVESTOCK BEFORE AND AFTER ENCLOSURE

| | *No. of enclosed parishes making returns.* | *No. showing increase.* | *No. showing decrease.* | *No change.* |
|---|---|---|---|---|
| Cattle | 571 | 354 | 106 | 111 |
| Dairy cows | 511 | 255 | 143 | 113 |
| [1] Sheep | 721 | 467 | 157 | 97 |

Another table shows the following results of a similar inquiry:

| | *Enclosed parishes.* | *No. showing increase.* | *No. showing decrease.* | *No change.* |
|---|---|---|---|---|
| Cattle | 91 | 39 | 37 | 15 |
| Sheep | 100 | 46 | 40 | 14 |
| Corn | 126 | 112 | 9 | 5 |

With regard to wheat-growing there appears, as has been pointed out, to have been little alteration in the area until the commencement of the nineteenth century. If good arable land was turned into pasture, this was compensated for by the conversion of much poor waste into fruitful tillage fields. From the beginning of the nineteenth century the area of tillage land considerably increased, though much

[1] The difference since enclosure of the size and value of cattle and sheep is 'exceedingly great' (p. 42).

was abandoned with the fall of prices after the war, until the agricultural depression which commenced in 1875 once more turned the tide.

But it is not reasonable to suppose that all the good arable land was turned into pasture, and the quantity of barley and oats appears, from the best evidence available, to have increased greatly.

The two reports before quoted [1] show a net decrease on enclosure in the areas examined, of about 6,000 acres of wheat—not a very important amount.

However, in the growth of barley, of 941 enclosures

506 showed an increase,
256 ,, a decrease,
179 remained as before.

In the growth of oats, of 963 enclosures

683 showed an increase,
149 ,, a decrease,
131 remained as before.

These figures therefore show a decided increase in grain-growing after enclosure.

The area devoted to barley and oats in each case is not stated, but as the consumption of those cereals for human food was at this time still considerable, and their use for beer, and the feeding of livestock, has also to be taken into account, we may be sure the area was by no means small.

It must have more than made up for the small decrease in wheat, and points to the fact that the quantity of land devoted to arable uses on enclosure was greater than is often stated.[2]

In pulse crops the account is the other way :

[1] See above, p. 145.

[2] The *Report* of 1808, p. 35, goes on to say : 'Upon the whole account of enclosing, the increase in the acres of wheat (here taken for granted), and the far greater augmentation in the culture of oats, proves decisively that the poor must have received an augmentation in the amount of their labour.'

Of 779 enclosures

229 showed an increase,
402 ,, a decrease,
148 ,, no change,

and this is explained by the introduction of clover lessening the quantity of beans, though it would not affect the quantity of arable land.

Of the quality of the corn, it was said by Smith, the author of the Corn Tracts, and a large corn dealer, that any corn merchant could tell grain grown on unenclosed land at a glance by its inferior appearance.

The quantity per acre was increased, as the following instance, chosen from many, shows :

At Eaton, in Bedfordshire, enclosed in 1796,[1] the crops before enclosure were, per acre (of three roods only) :

Wheat, 15 bushels ; barley, 3 quarters ;
Beans, 20 ,, oats, $2\frac{1}{2}$ ,,

After enclosure, on the statute acre :

Wheat, 25 bushels ; barley, 5 quarters ;
Beans, 25 ,,

Rent : before, about 10*s.* ; after, 16*s.* to 20*s.*

Instances are quoted by writers on enclosure to show that enclosed lands produced less food than open lands, and when arable was converted to grass this is very likely true ; but there is no doubt whatever that the total production of the land after enclosure was much greater than it was before. Apart from the testimony of those contemporaries most competent to judge, it may well be asked, how could the largely increased population have been fed, at a time when imports were comparatively insignificant, unless there had been a much greater production of food ? Unless enclosure had vastly improved production the extra millions of people must have starved during the war with France. The new

[1] *Annals of Agriculture*, xlii. 36.

methods of agriculture could only be taken advantage of on enclosed land.

The *General Report* of 1808 quotes from the 'Advantages and Disadvantages of Enclosing Waste Land', by A Country Gentleman,[1] the following tables illustrating the benefits derived from enclosure :

TABLE I. RENT AND PROFIT.

| | *Rent to landlord.* | *Net profit to farmer.* |
|---|---|---|
| | £ | £ |
| 1. 1,000 acres of rich open field @ 6*s.* per acre | 300 | 364 |
| Ditto, ten years after enclosure, @ 15*s.* per acre | 750 | 500 |
| 2. 1,000 acres of open field; poorer land @ 4*s.* per acre | 200 | 300 |
| Ditto, ten years after enclosure, @ 8*s.* per acre | 400 | 370 |
| 3. 1,000 acres of rich common pasture @ 2*s.* per acre | 100 | 240 |
| Ditto, ten years after enclosure, @ 15*s.* per acre | 750 | 500 |
| 4. 1,000 acres commons, heaths, and moors, @ 1*s.* per acre | 50 | 60 |
| Ditto, ten years after enclosure, @ 8*s.* per acre | 400 | 370 |

TABLE II. LABOUR AND EXPENSES.

| | *Hand labour.* | *Horse labour.* | *General expenses.* |
|---|---|---|---|
| | £ | £ | £ |
| 1. As above: Unenclosed | 400 | 367 | 966 |
| Enclosed [2] | 100 | 25 | 125 |
| 2. Unenclosed | 400 | 367 | 733 |
| Enclosed, but kept in tillage [3] | 325 | 250 | 455 |
| 3. Unenclosed | 10 | — | 120 |
| Enclosed; apparently kept in grass | 100 | 25 | 125 |
| 4. Unenclosed | 10 | — | 70 |
| Enclosed; apparently converted to tillage | 325 | 250 | 455 |
| Total labour and expenses : | | | |
| Unenclosed | 820 | 734 | 1,889 |
| Enclosed | 850 | 550 | 1,160 |

[1] *General Report*, 1808, Appendix XIII.

[2] And converted to grass as rich arable generally was.

[3] Here the better organization and management rendered possible by enclosure more than neutralized the extra labour required for larger crops.

TABLE III. PRODUCE.

| | *Value of Wool.* | *Value of Provisions.* | *Total produce.* |
|---|---|---|---|
| | £ | £ | £ |
| 1. Unenclosed | 50 | 2,350 | 2,400 |
| Enclosed | 250 | 1,250 | 1,500 |
| 2. Unenclosed | 50 | 1,950 | 2,000 |
| Enclosed | 100 | 1,700 | 1,800 |
| 3. Unenclosed | 100 | 370 | 470 |
| Enclosed | 250 | 1,250 | 1,500 |
| 4. Unenclosed | 90 | 100 | 190 |
| Enclosed | 100 | 1,700 | 1,800 |
| Total produce of all four : | | | |
| Unenclosed | | | 5,060 |
| Enclosed | | | 6,600 |

And the *Report*, quoting again from ' A Country Gentleman ', comments thus on the figures :

Hence it appears that the kind of enclosure which returns the greatest profits to the landowner is that of good rich common pasture, and experience, I believe, verifies the calculation though every one of these heads gives him a sufficient premium to proceed. But the impropriator of Tithes reaps the greatest proportional benefits, whilst the small freeholder from his expenses receives the least. On the whole, then, I will venture to assert that by enclosure the landowner will increase the value of his lands, the farmer his profits, labour will be at least as plentiful, and provisions much more so, enclosure neither leads to depopulation nor to starve us.

## 2. EFFECT ON THE RURAL POPULATION

The large landowners benefited more than any other class, except the tithe impropriator, since the improved agriculture of enclosed lands meant large profits for the farmers and enabled them to pay higher rents.[1] But the cost of enclosing

[1] In the *General Report*, 1808, some examples are given of the increase in rent from enclosing : in Surrey and Suffolk rents doubled ; in Middlesex the rent of waste rose from nothing to 20*s.* an acre ; of common fields from 14*s.* to 20*s.* In Hampshire rents rose from 6*s.* to 12*s.* ; in Warwickshire from 10*s.* to 18*s.*

largely neutralized the increased rentals, and we must not forget the influence of the great war on prices and rent.

Besides the large landowners, the awards prove that there were quite a number of owners of moderate sized properties, small gentry, and richer yeomen who were not hurt by the expenses of enclosing ; and that large numbers of these men sold their little properties afterwards at a good price to those great landlords who were anxious to increase their estates.

Some of the larger yeomen sold in order to invest in industrial undertakings, and some to become tenant farmers, and so successful were a few of these that they were able to buy their farms and again become proprietors.

On the large tenant farmer the effects of enclosure seem to have been beneficial as soon as he had adapted himself to the changed circumstances. He was handicapped at first by the upsetting of his business during the process, which often took five or six years, and by having to adopt different methods of cultivation,[1] but being a man of better education and greater intelligence than the small farmer, he was more able to adapt himself to his environment and, moreover, usually had the advantage of greater capital which enabled him to tide over the period of transition and engage in the more expensive agriculture which enclosure entailed. He was thus able to reap the benefit of agricultural progress, and though his excessive prosperity during the great war, when he is sometimes said to have kept liveried servants, was not maintained, the good financial position and general well-being of the large tenant farmer is one of the most marked features in modern English agriculture, and sufficiently proves that the gains of enclosure did not all go into the pockets of the landlord.

Thomas Davis[2] tells us how the advantages of enclosure

[1] 'In many instances they have suffered for four, five, or six years owing to the delay between the first starting the project and the final award ; their management is deranged, not knowing when their future lands will be allotted they save all their dung till much of it is good for little ; they perform all the operations of tillage with inferior attention ; rents are greatly raised and that too soon.' (*General Report*, 1808, p. 31.)

[2] *Report on Wilts.*, p. 79.

apply much more to the case of the great farmer than of the small one. 'The farmer of £150 or £200 a year (about 300 or 400 acres)[1] will perhaps be able, in consequence of having his land put in large pieces, to reduce his number of horses one-third ; he will be able to sow clover, sainfoin, &c., for hay, and raise turnips and rape for winter food for his sheep ; of course he will not only be able to increase his stock but to winter them at home, and though by this mode of husbandry he must reduce his number of acres of corn, yet he will, by his additional number of sheep, be able to dung his land so much better that he will raise more grain than he did before.'

Of the results of enclosure on the small tenant farmer, that is to say the man who farmed about 100 or 150 acres, who comes half way between the large farmer with his several hundred acres and the small holder with about 50 acres or under, we have not much evidence.

There appears to have been some decrease in the number of these men, their farms often being thrown together to make large ones.[2] They would, generally speaking, be men of inferior intelligence and smaller financial resources than the large farmers. There is no reason to think, however, that those who survived the process of transition suffered.

[1] Young, in his Tours through England, undertaken between 1767 and 1770, found the greater part of the kingdom divided into medium-sized farms, those in the North averaging 300 acres inclusive of waste, those in the East 561 acres. Great farms, some as much as 6,000 acres, preponderated in Northumberland and Worcestershire. The relation of grass land to arable astonished even Young, who found the proportion far more equal than he expected. The average rent in the North was 10*s.* per acre ; in the East, 9*s.* 5*d.* (*Northern Tour*, iii. 218 ; *Eastern Tour*, iv. 378.)

[2] The farms were not always thrown together. One farmer would sometimes rent several farms situate at a distance from each other, a practice which came again into fashion in the depression of 1875–1905, and still obtains. In Essex, at the end of the eighteenth century, the Board's reporter found one man holding nine farms, and keeping underlings to occupy the deserted farm houses. By 25 Hen. VIII, c. 13, no man was to hold more than two farms, and these in the same parish, under a penalty of 3*s.* 4*d.* a week—a statute which apparently has not been repealed.

Allotments on enclosure would be made to their landlords, who would have to bear all the expenses of enclosure, for which a higher rent would be charged, which again would be easily payable out of the improved lands.

At the end of the eighteenth century landlords, as a rule, were not expected to repair buildings. In the North they did nothing to the buildings except on one or two of the larger estates. In many parts of the midlands the tenant was entirely responsible. In Norfolk, on the other hand, the landlord was generally liable. In Sussex, Berks., Somerset, &c., the landlord found timber in the rough.[1]

### The Small Holder

A. *The Small Owner.* The case of the small owner has been the occasion of great controversy,[2] and the question is confused by the ambiguity of the term ' yeoman ' which was often used to mean both tenant and occupying owner.

It appears that the larger yeomen, using the word in its sense of occupying owner, who possessed about 100 acres or over, although their numbers had been declining since the Revolution, prospered during the period 1765–1815, for the rising corn prices helped them and made their land much more valuable. After the reaction in 1815 large numbers of this class disappeared. Many were ruined by extravagance, many were tempted to sell by the offers of county magnates, many preferred to be large tenant farmers instead of small landed proprietors.

The smaller yeoman, who owned and occupied about 50 acres or less—the man who appears in awards as owning from half a yardland to two or three yardlands—seems steadily to have diminished in numbers all through the eighteenth and nineteenth centuries,[3] with perhaps a check during the great war.

[1] Garnier, *Landed Interest*, p. 378.

[2] See Levy, *Large and Small Holdings*, pp. 32 ff.; Johnson, *Disappearance of Small Landowner*, pp. 101, 105, 106, 118, 140; and *Quarterly Journal of Economics*, Feb. 1910.

[3] The most recent research on the subject is that of Mr. Johnson in the *Disappearance of the Small Landowner*, and of Mr. H. L. Gray in the

But it is very difficult to distinguish between these two classes. The survival or extinction of such men was, as far as enclosure went, largely a question of capital. The owner, great or small, who could pay the expenses, profited by the improved value of his land. No doubt many were the victims of unscrupulous moneylenders who at all times, and in all countries, have victimized the small holder, but there is no reason at all to suppose that the whole class suffered in this manner. For there were several points in favour of the small landowner.

Under most enclosure Acts power was given to borrow money 'from any person or persons as the commissioners shall appoint' at a moderate rate of interest. Not infrequently the Act directed land to be sold to pay the expenses of enclosure which would diminish allotments, but would obviate the necessity of raising money. Often, too, the expenses were paid by a rate levied proportionally on the various proprietors, to save them from having to find lump sums all at once. Again, the allotments of two or more small holders were often laid together to save them the expense of fencing.

A clause was not infrequently inserted in Acts directing that the expense of boundary fences was to be apportioned so that where one proprietor, usually the small owner, had more than his share to pay for, he obtained relief from those who had less, and, in some cases, this was not confined to boundary fences.

Sometimes, though very rarely, the small owner was excused from all the expenses of the Act, as at Braunston, Northamptonshire, in 1775, where every owner, whose property did not exceed one half yardland, was excused all the costs.[1]

If the small owner did retain his hold on the land allotted to him there was no reason why he should not prosper. In

*Quarterly Journal of Economics*, 1910, pp. 293 ff.; but their work, though valuable, investigates too small a field for any definite statement on the subject.

[1] Cf. Steeple Aston Award, Oxon, 1765.

place of his scattered strips he had a compact enclosed piece of arable which he could improve at his will ; in place of his right on the poverty-stricken common he now had a convenient piece of enclosed grass land where he could raise healthy stock.[1]

Yet the first trustworthy statistics we have, published in 1887, show that only 12 per cent. of the occupiers of agricultural land in England were also owners, and this includes large and small holders.[2] For two centuries at least their numbers had been dwindling. But enclosure was not the chief cause of this, it was only one among several.

The destruction of the old village community was brought about mainly by the commercial and competitive spirit. That was the great disintegrating force, and with that the amalgamation of farms and the disappearance of the small holder began.

And there were other powerful influences at work in the same direction. We have noticed the part played by family settlements and the land hunger of the rich. But it was the Industrial Revolution synchronous with the most active enclosure period, that did far more to depopulate rural England than any other cause. It swept the cottage industries into the town factories. And not only did it drive the ' manufacturer ' as he was then called, that is the man who earned his living by spinning, weaving, glove-making, &c., in to the towns, but it deprived the small holder, both owner and tenant, of the cottage industry which had helped him to tide over many a bad season. If the small holders had been able to retain

[1] The case of the small owner and occupier of £20 a year on the Wiltshire Downs mentioned by Thomas Davis, and often quoted, is not typical. Davis himself remarks on ' the peculiar locality of this district ', and goes on to say, ' though the owner of such a one cannot live upon it, when put in a state of severalty, and is really injured, provided he occupies it himself, yet he may let it for one-third more than he could when it was in a state of tenantry, i. e. common field.

[2] But it does not include those who owned part of the land they occupied, who numbered 18,991 out of a total of 481,828. These statistics were furnished me by the Board of Agriculture, and differ from those usually quoted, those of 1895, in that they include occupiers of one acre or less.

their by-industries the exodus to the towns would have been vastly diminished.

And perhaps the next strongest influence was the doctrine of the large farm which was predominant from about 1760 to 1875. During that period the attention of English farmers was mainly fixed on corn-growing, which is most economically carried on on large farms where business methods and machinery have fullest scope. The small farm was looked upon by all agricultural authorities with disfavour.

Again, the small holder—and this too applies both to owner and tenant—was especially hard hit by the pernicious allowance system introduced by the Speenham land 'Act' of 1795, which by a decision of some rural justices inaugurated the practice of giving doles to the farm labourer according to the size of his family and the price of bread, and created an army of paupers supported by the rates. The large farmer employed much of this cheap pauperized labour, though it was inefficient; but the small farmer who, with his family, did most of the work on his farm, had no need for it, so that he paid high rates without any return for them. Again, rates and taxes rose to an enormous figure during the French war; in some cases rates were trebled and quadrupled; and this especially affected the weak economic position of the small holder and helped to ruin many.

And we have noticed that there was, during the period of high corn prices, a much diminished demand for the special products of the small holder, such as fruit, vegetables, milk, butter, and poultry.[1]

And all the while there was the constant temptation to sell the small holding at a high price to the aggrandizing landowner.

Many small owners too, like many of their richer neighbours, thought the high prices of the war-time would last for ever, lived extravagantly, mortgaged their land, and

[1] Yet, although fruit, vegetable-growing and dairying suit small holdings better than corn, it is probable that even these branches of farming are carried on more efficiently by the large farmer.

were forced to sell when peace brought an end to the unnatural inflation.

*The Annals of Agriculture* (xlii. 44) mentions another cause which contributed to the ruin of many small holders: 'Farmers, as soon as they have an idea that an enclosure is like to take place, knowing that they may have different land allotted them, proceed to get all they can out of their land before enclosure and exhaust it, hence many farmers of small property entering on land in this exhausted state have been ruined,' because they had not sufficient capital to tide them over the critical period.

Marshall and Sinclair tell us that a number of small owners were only too glad to sell their lands in order to become large farmers. They saw the prosperity of large tenant farmers, and realized that they could get a much larger percentage on their money if it was used as farming capital instead of locked up in the land.

Another factor adverse to the small holder in modern times has been the want of cheap money. In all countries, until recently, he has been the victim of the usurer, for he needs small loans for a longish time, a class of business which ordinary banks do not care for. Abroad he has been helped by the spread of the Raiffaisen and other systems of credit banks, but in England such financial assistance is only in its infancy, and grows very slowly.

On the other hand, there were causes at work which in some measure counteracted the tendency of the small owner to disappear. Not only were large estates being bought by wealthy business men, but those who had made small fortunes in trade were often noticed buying small properties. Again, on enclosure, many who had only common rights attached to their cottages received allotments of land if they could prove a good title, and so a number of small owners were created.[1]

And land was frequently sold to pay for the expenses of enclosure, some of which was purchased for small holdings.

B. *The small leaseholder*, as distinguished from the free-

[1] Cf. p. 261.

holder, was affected by the fact that all leases at rack rent were usually void on enclosure (compensation being paid to the tenants), and as their land was eagerly coveted, their tenancies often came to an end.[1] They sold their stock and went to the towns, emigrated, or became day labourers. The enormous industrial expansion easily absorbed many of these displaced countrymen.

The small tenant, although he usually paid more rent proportionately, was not favoured by estate agents, it was much less trouble to collect the rents and do the repairs on a few large farms than on many small ones.

Yet the numbers of the small leaseholder did not diminish to nearly so great an extent as those of the small owner ; on the contrary, the earliest statistics we have show that about 70 per cent. of the agricultural holdings in England were under 50 acres in extent, of which by far the greater number were leaseholds, and a large number in the next class—those between 50 and 100 acres—must of course really come under the description of small leaseholds.[2]

It was most unfortunate that the enclosure movement of the eighteenth and nineteenth centuries was most active at a time when corn was at a high price since corn-growing is a large farm business. The high price of bread prevented the poorer members of the community from buying much else, and, generally, there was less demand for the peculiar products of the small holder such as fruit, vegetables, butter, poultry, &c., than there is to-day. If the modern demand for such articles had existed a hundred years ago many a small farmer would have been able to make money, pay the expenses of enclosing, and retain his allotment.

[1] Leases were by no means general over England at this period. In Cumberland there were verbal contracts ; in the West Riding yearly agreements ; in Northamptonshire and Bedfordshire tenants at will ; in Berkshire a rooted dislike on the part of the landlords to anything of the kind. Where leases were in use they were usually for 21 years. (Garnier, *Landed Interest*, p. 369.)

[2] See *Parliamentary Papers*, *England*, 1876, lxx. 108, where the average size of holdings between 50 and 100 acres is stated at 73¼ acres.

### The Cottagers

Those cottagers who had no rights of common were not legally affected by enclosure, and the award maps show quite a large number of such people. As early as the eighteenth century it would appear that a large number of dwellers, even in rural districts, had lost their hold on the land, but many who had no legal rights had been in the habit of cutting turf and using the commons for other purposes, and these people lost these advantages.

The fate of those who had common rights largely depended on whether they were owners or occupiers. If the former, they received an allotment, but it was often so small, though in strict legal proportion to the amount of their claim, that it was of little use and was speedily sold.[1] 'Most of the stocking cottagers have rights appendant to the cottages without land; to these allotments are made proportionally equal in quantity and quality to farms of the greatest extent.'[2]

The expenses of enclosure were almost always too much for the cottager to bear; as the General Report of 1808 says, it was no use giving an allotment of land on which, under the Act, money had to be spent for fencing, draining, and road-making, to a labourer with 6*s*. a week.

If the cottager was an occupier only no allotment legally came to him—it went to his landlord—so he lost his right of common, and a grievous loss it was to many. 'The cottages in agricultural villages generally belong to the principal landowners. The carpenter, the smith, or the mason may probably possess a cottage to which may be annexed a right of common; but as to the poor husbandman it is rare indeed that he has a house of his own.'[3] But it must be remembered that where a common right was let with a house or land, a rent was generally paid for it, so that when the common right was extinguished on enclosure the

[1] *General Report of 1808*, p. 7.

[2] According to *Annals of Agriculture*, vol. xxxvi, p. 513, one acre was allotted in exchange for the right of turning out two cows and three sheep, which was a very poor equivalent.

[3] *General Report of 1808*, p. 167.

rent was abated in proportion.[1] The commons were not common property, but the subject of a privilege which had to be paid for.

But the abatement of rent was a poor consolation to the man whose livelihood largely depended on being able to turn out a cow or some poultry on the common, and his cottage was very little use to him now that was gone.

This is the great blot on the enclosure movement—the failure to make compensation for the moral loss sustained by the deserving commoners. Many of the best men of the day—Sinclair, Young, and others—urged that this should be done, and in a few cases it was done ; but in the great majority it was not. In 56 acts taken at random, from 1764 to 1830, I find only eight in which allotments were granted for these moral claims.

Few will have any sympathy with those who represent English landowners as engaged in a long sustained Machiavellian plot to deprive the poor man of his land, for such a charge

[1] e. g. at Chatteris, Cambridgeshire, 'There are 163 houses enjoying common rights. Mr. Gardiner has nine which he lets to tenants,' who paid '£27 a right as far as the common is concerned'. Again, at Stretham, Cambridgeshire, 'the cottagers hire a right of common' (*Annals of Agriculture*, xlii. 474). And the *Report on Enclosures of 1844*, Qu. 346, says that in many cases the right of pasturage was of more value than the tenement, and a larger consideration for the common right was given than for the tenement even when ancient land was attached to the tenement. This shows that the grazing on the commons was often of considerable value. According to the same report (Qu. 344) cottagers normally acquired rights of common by reason of such rights being appurtenant to the tenements in which they lived. Rights of common in gross did not belong to the class of people who usually frequented commons. Such appurtenant rights were inseparable from the tenements.

In the case of common rights appurtenant to a tenement the allotment on enclosure naturally went to the owner of the tenement, but it might be agreed upon that the tenant should have the use of the allotment in lieu of his common rights, and if the tenant in possession was a tenant under a lease he would 'clearly be entitled to the use and enjoyment of the allotment during his lease (Qu. 354). If leases at a rack rent were voided, as was commonly the case, on enclosure, the tenant would be entitled to compensation. This important point has been ignored by many writers on the subject.

shows ignorance both of history and of the character of Englishmen, but the sin of ignoring the moral claims of the poor on enclosure must, on the whole, be laid to their charge. It is unfortunately true that all classes of men, when they have satisfied legal demands, are not prone to consider moral claims. Individuals here and there may do so, and we give below an account of the effort made by many of the landowners to remedy the moral wrongs of enclosure.[1]

Besides losing his common rights the cottager, like the small holder, suffered severely from the loss of his by-industry [2] by reason of the growth of the factory system.

Another class which suffered by enclosure was that of the village officials : the common shepherd, the cowherd, the viewers of fields, the men who drove the swine into the woods, the hay ward who looked to the fences and pounded the cattle who broke through them. These men lost their employment and the strips of land by which they were paid for their work, although on a few manors some of these officials are still appointed at nominal salaries.

Lastly, let us consider the case of the squatters or encroachers. Where these people could show an uninterrupted possession for 20, sometimes 30 or 40, years they were treated as if they had a legal title to their encroachments. And considering that they were originally trespassers, and the necessary legal title to land was then 60 years, this treatment must be pronounced generous.

All encroachments made under the time prescribed by the Act were forfeited to the lord of the manor who was the legal owner of the soil ; the encroachers being allowed to remove their houses, or rather hovels, which they had erected, or in some cases to stay on the land as tenants. One can imagine that the sudden eviction of these men met with

[1] See chapter XIX.

[2] At Maulden, in 1797, Young asked a cottager what he lost by enclosure and the answer, often quoted, was : ' I kept four cows before the parish was enclosed and now I do not keep so much as a goose. And you ask me what I lose by it.' But Young adds (and this is generally omitted) : ' Their accounts of advantages, especially when they are gone, are not to be credited.'

much sympathy from their neighbours when, for instance, some one who had lived on his encroachment for several years was turned out on the roadside with his family.

But what were the facts ? Simply that such a man had enjoyed for years property to which he had no right whatever, which, in fact, he had stolen, and was compelled to restore when legal rights were examined. And by his eviction honest people came by their rights again, for ' it is not true ', says Lecky, ' that these lands were public property. The common rights belonged to the surrounding freeholders or were conveyed to the tenants in the leases of their farms.' Nor had the squatters trespassed only on the land of the lord of the manor, but on the common rights of many poor men.

There were among the poor a number of people who had legal rights but were unable to prove them, and so lost their rights.

Their treatment is equally reprehensible with that of the cottage tenants mentioned above. They deserved moral compensation but, except in a very few instances, they did not receive it.

But the granting of moral compensation in these instances did not rest wholly with the large proprietors. When such extra allotments were made a certain acreage was usually deducted from the total amount of the land to be enclosed, and this, again, had to be deducted in proportion from all the allottees, rich and poor alike.

Those who had only an acre or two, or even less, allotted on enclosure, with the attendant expenses to pay would naturally be strongly opposed to surrendering any of it for the benefit of those who, through carelessness perhaps, were unable to make good their claims, and who might be trespassers or encroachers.

*Note.*—The *General Report of 1808* (p. 12) mentions that ' in the year 1800 a journey was made of above 1,600 miles, in which the effect of enclosing on the spot was examined, without trusting to the reports of the poor only but of the clergy, farmers, and even commissioners who had been

employed' ; and it appeared that in many cases the poor had been unquestionably injured. In some cases many cows had been kept without a legal right, and nothing, therefore, given for the practice. In others, where allotments were assigned, cottagers could not pay the expense of the measure and were forced to sell. In others they kept cows by right of hiring their cottages, or common rights, and when the land was allotted to the proprietor and was added to the farms the poor cottager had to sell his cows. 'This is a very common case.'

Appendix IV mentions 33 places where enclosure had taken place, and in all but three there was loss to the poor, chiefly by the loss of their cows.

Another list gives 23 places where the poor suffered, and 14 where their condition had improved ; and the report goes on to say that injury flowed from inattention to the property or customs of the poor, and by no means of necessity from enclosure.

### Enclosure and Depopulation

What has been said above about the effect of enclosure on the various classes connected with the land applies to depopulation generally.

There were so many other causes operating simultaneously with enclosure that it is very difficult to define the precise share which it has had in the rural exodus.

But concerning the effect on population caused by the difference in the cultivation of the land before and after enclosing, it is possible to arrive at some conclusion. The *General Report of 1808* quotes the following figures on this matter, which have found their way into modern works on our subject :

| *1,000 acres of* | *Before enclosure, gives employment to :* | *After enclosure, gives employment to :* |
|---|---|---|
| A. Rich arable land . . | 20 families | 5 families |
| B. Inferior arable land . . | 20 „ | 16¼ „ |
| C. Stinted common pasture . | ½ a family | 5 „ |
| D. Heaths, wastes, &c. . . | ½ „ | 16¼ „ |

The figures in this table are open to criticism.

Taking England as a whole there was from 1700 onwards about twice as much arable enclosed as pasture; and the question is, how much of this was converted into grass. In the absence of statistics it is impossible to answer accurately, but judging by the increase in corn-growing, mentioned above, arable appears to have increased even before 1800, and we know it did so after that date.

In A it is presumed that the rich arable land is turned into grass, and this generally happened, though not always, especially during the period of high corn prices due to the war. If arable land was kept in tillage after enclosure it would employ, as we have seen, nearly as many people as it did before enclosure.

In B it is assumed that inferior arable land when enclosed employed fewer people than when open, as in Table II, quoted above.[1] Better economy and organization led to the employment of less labour, but much greater crops and better methods of cultivation, including the use of the fallows, must have largely cancelled this.

Under C there is no reason to suppose that all the stinted common pasture was kept in grass on enclosure. Much of it was ploughed up to grow the corn that was so much needed.

Again, the number of men employed per 100 acres of arable is very small in this table. Assuming one adult man to each family it is only two men per 100 arable acres on the rich land and a little more than $1\frac{1}{2}$ men per 100 acres on the poorer land when enclosed, whereas the average, even in these days of machinery, is for England four men per 100 arable acres.[2]

The figures for the grass land, both before and after enclosure, appear to be correct; but those for the arable land appear too much at variance with what we know to be the requisite amount of labour to carry much weight.

[1] See p. 234.

[2] On four farms given in Young's *Southern Tour*, pp. 300–1, the following were the men kept: 240 acres arable, 13 men; 230 acres arable, 9 men; 200 acres arable, 10 men; 250 acres arable, 11 men; and in the *Northern Tour*, iii. 303, 315: 160 acres arable, 6 men; 200 acres arable, 9 men; 410 acres arable, 12 men.

On the whole it does not appear that the change of cultivation on enclosure led to depopulation, and Professor Gonner's carefully worked-out calculations go to show that there was no general connexion between common field enclosure and decline in population,[1] for while decrease in population and employment occurred in some parishes, this was balanced by an opposite tendency in others.

In considering the question of rural depopulation the fact has to be taken into account that a rural exodus has been going on ever since man ceased to be a pastoral nomad and founded cities. It is noticed and complained of all through the Middle Ages, and is in progress in most countries, even the new ones, to-day. England is its extreme example because England earliest became a manufacturing, and therefore an urban, country.

[1] *Op. cit.*, pp. 412 and 420.

# CHAPTER XVIII

## NON-PARLIAMENTARY ENCLOSURE, AND THE HISTORY OF THE MOVEMENT SINCE 1801

THE ACTS OF 1836 AND OF 1840.—THE REPORT OF 1844.—THE AMOUNT OF WASTE.—COMMONS AND COMMONERS.—THE RIGHT TO CUT TURF AND TIMBER.—THE ACT OF 1845.—THE ACT OF 1876.—AREA ENCLOSED BETWEEN 1845 AND 1875.—ITS DISTRIBUTION.

The figures which have been given to illustrate the percentage of parliamentary enclosure only cover a comparatively small area in a large number of counties. The commissions of the sixteenth and seventeenth centuries give us some further information, but of the date and manner of the enclosure of the greater part of England we have no definite record. Even after the introduction of enclosure acts there was a certain amount of non-parliamentary enclosure always going on by the large, and sometimes by the small, landowner, and sometimes by agreement; but the Act in the eighteenth and nineteenth centuries was the most common method. An example of enclosure without act at this period is given in the *Annals of Agriculture* (xlii. 28), which mentions that at Cople and Willington the Duke of Bedford, having a large property (in the latter parish the whole), was able to enclose the open fields and attach them to his farms without application to parliament.

But enclosures made under private agreement were very unsatisfactory, and parties were unwilling to use them, because no good title could in that case be given on allotment, for it usually happened that owing to infancy or coverture, or some other legal defect in title, the agreement of the parties could not be made binding by any sanction except that of parliament. During the war, how-

ever, small commons were nearly always enclosed by agreement.[1]

The General Enclosure Act of 1801 had done little to lessen the expenses of the business, and there were still constant complaints of its cost.

One of the chief causes of expense was the fact that commissioners were often concerned in several enclosure bills at the same time [2] which caused great waste of time, and there was no control over them to make them complete their work. And commissioners were generally men who had other employment, and so found it impossible to give their time continuously to the enclosure business.[3] Another great expense was incurred by the residence during part of the business of witnesses and agents in London.[4]

In the case of commons expenses were sometimes so great that the whole of the common enclosed had to be sold to pay the cost of the enclosure, and occasionally the parties, besides losing the common, had found themselves saddled with the maintenance of expensive roads made under the award.[5]

In 1836 an Act (6 & 7 Wil. IV, c. 115), called Lord Ellenborough's Act, was passed 'for facilitating the enclosure of open and arable fields in England and Wales', by which two-thirds in number and value of the proprietors in common fields might appoint commissioners for carrying out enclosure without the confirmation of an Act; and if seven-eighths in number and value of the proprietors were agreed upon enclosure it was not necessary for them even to appoint commissioners if they could agree on the distribution of the land. This Act was not to apply to land within certain distances of large towns. The report of 1844 says that a large extent of common field had been enclosed under this

[1] *General Report of 1844*, Qus. 5186–8 and 6558; and see also *Annals of Agriculture*, xxvi. 67, which says, 'there are many commons in England which would be divided among the parties interested therein by agreement did not various legal disabilities stand in the way. It is principally for the purpose of removing such legal disabilities that acts of enclosure are often resorted to.'

[2] *Annals of Agriculture*, xxv. 357.

[3] *Report of Committee of 1844*, Qu. 199.

[4] *Ibid.*, Qu. 23.

[5] *Ibid.*, Qus. 319–20.

Act, which would escape the record of the Central Government as such enclosure was only recorded locally.

By section 27, at the desire of the parties, their allotments might be thrown together and distinguished by 'metes and bounds', but not fenced from each other in order to save expense.

And by section 32, when too heavy a proportion of the cost of boundary fencing fell on particular persons (usually the small proprietors) the commissioners were given power to apportion expenses.

This Act was amended in 1840 by 3 & 4 Vic., c. 31, which provided that persons who took possession of the allotments awarded them in enclosures under the Act of 1836 must be deemed to have waived the right of appeal from the award; and the Act was extended to include Lammas meadows.

But the great obstacle to enclosure was still the cost, and in 1844 a committee was appointed to inquire into the whole matter, and issued an interesting report which gives a very complete account of the recent history of commons and enclosures.

It appeared from the evidence collected in the report that a large portion of the waste land of the kingdom was capable of improvement, and the common or waste then in England was estimated at 8,000,000 acres and the common fields at 2,000,000 acres, the former quantity including 'the whole of the wild land in England and Wales'.[1]

The present time was more favourable than any that had preceded it for a general measure of enclosure because:

1. Waste and other lands were freed by the operation of the Tithe Commutation Act from any liability to an increased payment upon their cultivation or improvement.

2. The introduction and application of a more cheap and

[1] The Committee on Waste Lands of 1795 estimated the waste at 7,888,777 acres, and in *Annals of Agriculture*, xxiv. 10, is an estimate of 7,807,897 acres. Yet we know that between 1795 and 1844 about 1,000,000 acres of common pasture or waste were enclosed by Act alone without reckoning non-parliamentary enclosure. The only conclusion is that all three estimates are wrong. The estimate of the amount of land in common fields in 1844 is quite incomprehensible (see p. 179).

skilful system of draining [1] and of various artificial manures to lands of this description,[2] and the increase of agricultural enterprise afforded the prospect of raising them to a high degree of fertility at moderate cost.

3. The expenses of enclosure would be decreased because existing maps and valuations made for the purpose of the Tithe Act would be useful for the purposes of enclosure.

The common or waste lands in several localities were a source of serious injury and inconvenience to the surrounding neighbourhood by their effect upon the character of the people.

Encroachments were still going on. On some crown manors in Cardiganshire and Carmarthenshire portions of the road between Lampeter and Llandovery were lined by encroachments and those who made them thought that if they erected a house in one night they had a right to live there, but, said the witness, 'it is all a false supposition,' [3] and many of these encroachments were an injury to those who had real rights of common.

In Ashdown Forest in Sussex a regular colony had squatted in little huts, 'who seemed to be quite a world to themselves, few people choosing to go among them '.[4]

There were cases where encroachment was allowed by the lord and winked at by the true commoners, though they had a right to destroy the encroachment,[5] but many were made surreptitiously on sequestered or large commons where a few more stock would not be noticed.

The usual custom of these squatters was to build a hut, plant a small garden with a few potatoes, and as the family increased build another hut and plant a little more land, and so on, but such people did not really thrive.[6]

The evidence of the report fully confirms what has been said above as to the character of many of the commoners :

Men brought up on commons were generally unfit to work ; they generally lived by poaching and that character of

[1] Smith of Deanston's *Remarks on Thorough Draining* appeared in 1831, and John Reade produced cylindrical clay pipes in 1843.

[2] Yet artificial manures were as yet in their infancy.

[3] Qu. 3255. [4] Qu. 4122. [5] Qu. 516. [6] Qu. 6590.

wandering life which fits them for anything but work, and the farmers were very unwilling to employ such men. It was mistaken kindness to keep the poor in possession of the commons. The dwellers round commons were almost a distinct race of people.[1]

One of the reasons for the prevalence of crimes on commons was the difficulty of detecting it: the commons were often a kind of Alsatia, and the beer houses upon them, 'of a very debased kind,' often concealed criminals.[2]

Many of the commoners were so confirmed in their wild life that, when turned out for refusal to pay rent—a very frequent occurrence—they would put up a few hurdles on some waste elsewhere and dwell there until again evicted.[3] When commons were enclosed the class of wastrels generally disappeared, and the whole character of the neighbourhood improved.

Cattle and sheep stealing was rife on the commons, and on one large waste in Wales 300 sheep out of a flock of 1,000 were carried off and never recovered, as they were 'driven off into almost every parish of the county'. A common custom was to drive sheep off the commons about five or six miles to some secluded spot, and there pare their feet so close that they could not move: by the time they had recovered the search was over, and they were then driven further off.[4]

The annual collection of sheep for shearing on the commons was often a grand opportunity for the more desperate and unscrupulous characters, and led to wild scenes: 'You never heard such hallooing and fighting; the moment the sheep are driven into the fold the men jump in, each man tries to lay hold of a lamb which has not the ear marked, vows that it is his own, and puts his own ear mark upon it; nobody else can swear that it is his own lamb, the most desperate fellow gets the most.' One man was mentioned who had acquired a little flock in this manner.[5]

On many commons common right was the law of the

[1] Qu. 3618. [2] Qu. 4217 ff. [3] Qu. 4225.
[4] Qu. 4975. [5] Qu. 1811.

strong, and the small man was crowded off by his bigger and more powerful neighbours ; he therefore gained by an allotment on enclosure since he was now able to keep some stock, whereas on the common he had not been able to keep any. One instance in many will suffice to illustrate this evil. In Radnorshire, before enclosure, one man kept 200 sheep on the common—a great many more than he was entitled to—in defiance of his neighbours, for ' he was a sort of bully upon the hill and none of the farmers liked to interfere with him '. The extent of this man's encroachment was shown by the allotment to him on enclosure of from 7 to 14 acres, which would keep about 30 sheep.[1]

In some parts it was said that the better off who were entitled to use the commons ' hired individuals to go and thrash out the poorer parties . . . violence and quiet injustice seemed to be going on everywhere '.[2] And all stinted commons as well as the unstinted had come to be overstocked.[3]

As regards the commoners' right of cutting fuel, the Report [4] contains some evidence which somewhat qualifies the account of the loss often sustained in that respect on enclosure. ' The best farmer's labourers ' did not, as a rule, cut turf themselves, but employed those who were not fortunate enough to be in constant work, and they generally got their master's team to draw it home for them, for which the masters took the ashes ; and it was said that whereas coal might cost the labourer 50*s.* a year he would have to spend 30*s.* in cutting and carting an equivalent amount of turf so that he did not gain much by the privilege. In some places so much turf was cut for fuel that there was not much left to pasture the stock, and in many places the cutting was ill regulated and wasteful.

The Report of 1808 [5] is more emphatic : ' It may be proved that the labourer in seeking his fuel over desolate wastes, so far from obtaining this fuel gratuitously, loses so much time and labour in getting it that he buys it more dearly than they who purchase coals at a moderate price.'

[1] Qu. 3114–5. [2] Qu. 162. [3] Qu. 4104.
[4] Qu. 833 f. [5] P. 161.

The right of estover or cutting house bote, plough bote, and fire bote in the woods was all very well when timber was bountiful, as in early times, but had become a very great inconvenience, and most destructive to timber since it gave people the right to top trees which they were not likely to exercise very carefully.[1] The more, indeed, we consider these ancient rights the more we see how obsolete they had become, and the more exaggerated appears the pity that has been wasted on their disappearance.

The result of the Report of 1844 was the General Enclosure Act of 1845 (8 & 9 Vic., c. 118) which embodied most of the provisions hitherto contained in private Acts in one Act, and also introduced several new principles.

The business of enclosure was intrusted to two permanent commissioners instead of to a parliamentary committee,[2] and these commissioners were to see that all proposals respected the provisions of the Act and then lay them before Parliament in one Bill once a year.

The procedure was much the same as before, a development of that of the private Act, and may be briefly summarized.

An application has to be made to the commissioners (sections 25 and 26), signed by the owners of one-third in value of the interests in the land. If the petition is approved, an assistant commissioner inspects the land, inquires into the accuracy of the statements in the petition, and holds a meeting to hear any objection to the proposals. He then issues a report on which a provisional order for enclosure is issued, setting out certain conditions as to allotments of land for recreation, and for the poor, specifying the proportion due to the lord of the manor, the means taken for the protection of public rights, and determining the ownership of minerals.

[1] *General Report*, 1844, Qu. 310.

[2] According to Mr. Scrutton, *Commons and Common Fields*, p. 158, the change of tribunal from the Parliamentary Committee to the Commissioners supervised by Parliament was intended to protect the rights of the poorer commoners which Lord Lincoln said, in introducing the Bill, were often insufficiently considered.

The provisional order is then deposited in the parish, and an assistant commissioner is sent down to hold a meeting to see if the assent of the two-thirds in number, required by the Act (section 27), can be obtained upon which a special Act is passed.

Then a valuer is appointed, who values, determines claims, and lays out allotments, and whose decisions are subject to the commissioners, and, in the case of claims, to the courts of law by way of appeal (section 43). After this the assistant commissioner holds a meeting to hear objections to the report, and if these are disposed of the report is embodied in an award, confirmed by the commissioners, and becomes final.

Two important points are to be noticed about this Act: the development of central control shown in the appointment of commissioners, and the allotment of ground for recreation as well as for the labouring poor. The new view of the use of commons was thus given effect to; they were now to be preserved, not so much to give employment as to provide open spaces where a crowded population might find means for healthy exercise.

As this question has been misstated by several writers, we give the two sections dealing with it.

Section 30 states that it shall be lawful for the commissioners to require as one of the conditions of an enclosure the appropriation of an allotment for the purpose of exercise and recreation for the inhabitants of the neighbourhood according to the following scale:

| | |
|---|---|
| Where land to be enclosed was situate in any parish whose population amounted to 10,000 or more . . . . | 10 acres |
| Where population was between 5,000 and 10,000 . . . | 8 ,, |
| Where population was between 2,000 and 5,000. . . . | 5 ,, |
| Every other case not more than . . . . . | 4 ,, |

Section 31 says that allotments to the poor might be made where the land to be enclosed was 'waste land of any manor on which the tenants have rights of common, or any land subject to rights of common which may be exercised at all times of the year, or to any rights of common which may be exercised at all times of the year and which shall not be

limited by number or stints ', and any such allotment was to be subject to a rent charge to be payable thereout to any person or persons who may be entitled to allotments under such enclosure.

The results of this new provision were shown in the Return to an Order of the House of Commons in 1869,[1] which informs us that of 614,804 acres enclosed or being enclosed since the passing of the Act of 1845, 1,742 acres had been preserved for exercise and recreation, and 2,223 reserved for the labouring poor, and it is to be noticed the latter quantity was given for moral claims after all the legal claims of poor as well as rich had been satisfied.

The Report also adds that ' it may be safely assumed that not more than three-fifths of this acreage (or 368,000 acres) are " lands waste of a manor, or subject to rights " as defined by sections 30 and 31 of 8 & 9 Vic., c. 118 ' (see above), upon *which alone therefore* under that Act allotments for exercise and recreation, or for the labouring poor could be required by the enclosure commissioners.

The statement, therefore, so often made, that out of 614,804 acres enclosed only 2,223 acres were reserved for the poor is grossly misleading.

In section 50 of the Act it was enacted that encroachments made within 20 years should be deemed part of the land to be allotted and enclosed unless it appeared to the commissioners just that rights in the land to be enclosed should be allowed to the encroachers, when such rights were to be allowed, thus modifying in some degree the former practice.

By section 52 encroachments of more than 20 years' standing were to be deemed ' ancient enclosures ', but not so as to carry any right of common, or compensation or allotment for right of common which might be claimed in respect of ancient enclosures.

[1] *Parliamentary Papers, Eng.*, 1869, l. 579. The expression ' the poor ' is somewhat misleading. What it meant in this connexion is those poor people living near commons who had no legal rights on the commons, but through the generosity or apathy of the commoners were in the habit of putting live stock, or cutting fuel, on the commons. The awards clearly show that ' the poor ' who had legal rights received allotments.

By sectio 54 those who had legal rights but were unable to prove them were relieved in some measure by the enactment that rights not sustainable at law were to be allowed on proof of 60 years' usage.

With regard to pastures, section 113 provided that the commissioners might, on the application of persons interested whose interest should exceed in value one-half of the whole interest in the land, set out 'regulated pastures' to be depastured in common and managed by 'field reeves'.[1] This provision, however, has hardly ever been taken advantage of, as according to the Report of the Enclosure Commissioners of 1869[2] there had only been two such applications to date out of 1,205 enclosures, a significant proof of the unpopularity of depasturing in common.

It was, however, considered that the amount set apart for the poor was inadequate, and later Acts accordingly, and that of 1876 (39 & 40 Vic., c. 56)[3] in particular, aimed at constraining the commissioners to have more regard to the provision of recreation grounds, allotments, or 'field gardens' as they are called in the Act, for the labouring poor.

Among other provisions, by section 21 the expense of clearing, draining, and fencing allotments was, unless the commissioners should otherwise direct, to be paid as part of the general expenses of the enclosure, whereas hitherto this had been optional. By section 24 the rent charge imposed by the Act of 1845 on allotments made for the poor was not to be imposed in the future. And by section 30 the county court was to have jurisdiction in respect of illegal enclosures or encroachments.

[1] And by an amending Act of 1857 (20 & 21 Vic., c. 31) fences might be dispensed with where deemed unnecessary by the commissioners, and such allotments as were unfenced were to be deemed 'regulated pastures'.

[2] *Parliamentary Papers, Eng.*, 1869, xvii. 333.

[3] This Act applies to commons only and not to common fields, and is usually called the 'Commons Act'. Writing in 1909 Lord Eversley says that under this Act, 'two-thirds of the applications for the enclosure of commons which have come before the Enclosure Commissioners and their successors, the Board of Agriculture, have been rejected on the ground that no advantage would accrue to the public in thus dealing with them' (*Commons, Forests, and Footpaths*, p. 198).

The stricter provisions contained in this Act are said to have accounted for the fact that enclosure about this date came to a standstill, and under it only 41,539 acres of land had been enclosed up to 1911.[1] This Act, however, only applied to commons, and there are no statistics published of the total enclosure of common fields since 1845; though Dr. Slater states the acreage enclosed by Act from 1845 to 1905 at 139,517 acres (including some meadows and commons that were enclosed with the arable fields), and estimates the acreage enclosed by agreement and consolidation at from 70,000 to 100,000 acres, leaving some 30,000 acres of common fields [2] and meadows still existing in 1905.

According to the Return of the Enclosure Commissioners of 1876 [3] the land enclosed between 1845 and 1875 amounted to 590,000 acres, which was divided among no less than 25,930 people in the following manner : 620 lords of manors received, on an average, 44½ acres each ; 21,810 common-right owners received, on an average, 24 acres each ; 3,500 purchasers (of land sold to pay the expenses of enclosure) received, on an average, 10 acres each.

It is fair to assume that, though many of these people owned land before enclosure, a considerable number were made owners for the first time by enclosure, and the number of small owners thereby increased.

The land was divided among different classes as under :

| | |
|---|---|
| Yeomen and farmers | 4,836 |
| Shopkeepers and tradesmen | 3,456 |
| Labourers and miners | 3,168 |
| Esquires | 2,624 |
| Widows | 2,016 |
| Gentlemen | 1,984 |
| Clergymen | 1,280 |

[1] *Annual Report of the Proceedings of the Tithe, Copyhold, Inclosure, and other Acts, for 1913* (Cd. 7333), p. 28.

[2] *Op. cit.*, p. 191. The Commons Act of 1899 greatly increased safeguards against the appropriation of commons by repealing a number of the earlier Inclosure Acts, and by restricting the power of the lord of the manor to make grants of the waste under a number of old statutes. (See Lord Eversley, *Commons, &c.*, p. 201.)

[3] *Parliamentary Papers, Eng.*, 1876, lx. 229 ; and see Caird, *Landed Interest*, p. 123.

| | |
|---|---|
| Artisans | 1,067 |
| Spinsters | 800 |
| Charity trustees | 704 |
| Peers, baronets, and sons of peers | 576 |
| Professional men | 512 |

while the remainder was divided among nearly every quality and calling in the country, from the Crown to the domestic servant.

This creation of small estates by allotments in lieu of common rights, and by the purchase of land sold to pay expenses, must have been frequent in the history of parliamentary enclosure, and must to some extent have neutralized the causes which made for the disappearance of the small owner. In spite of this, however, the earliest statistics, those of 1887 before alluded to, show only 64,588 persons in England and Wales who owned all the land they occupied, and 18,991 who owned part of the land they occupied out of a total of 481,828 occupiers of agricultural land, and these figures included holdings of 1 acre or less and some holdings which are not comprised in the term ' small '.

When we contrast these figures with the 160,000 freeholders of Gregory King and make allowance also for the growth of the population since his time, we shall appreciate the extent to which the small owner has disappeared.

In 1893 the Statute of Merton, after being on the statute book for six and a half centuries, was, if not definitely repealed, rendered ineffective by the Law of Commons Amendment Act (56 & 57 Vic., c. 57).

Thenceforth, any lord of the manor desiring to enclose under this statute was bound to obtain in advance the consent of the Board of Agriculture, a provision which entailed publicity and gave opportunities for inquiry, and for the raising of objections on the part of commoners or the public. Further, it had to be proved to the satisfaction of the Board that the contemplated enclosure would be to the public advantage, and thus secret enclosures, sometimes made by arbitrary lords, were effectually prevented.

# CHAPTER XIX

## REDISTRIBUTION AND REPLACEMENT

THE REPLACING OF THE PEASANT ON THE LAND.—THE ALLOTMENT MOVEMENT.—THE EFFORTS OF THE LEGISLATURE, AND OF LANDOWNERS.

THERE is no doubt that the 'landedness' (if we may coin the word) of the English peasant before enclosure, and his landlessness afterwards have been exaggerated for political purposes.

The award maps often show a large number of cottages in the villages to which no land or common rights were attached, and many of these must have been inhabited by agricultural labourers. Moreover, there were a large number of 'farm servants' who lived in the farm house, who, says Thomas Stone,[1] 'generally managed common field farms' who cannot have possessed any land.

Nor was the peasant so completely driven from the land as is often asserted; the numbers of small owners had greatly diminished, but a considerable number of small tenants remained. The earliest statistics we have on the subject, those of 1886, show that about 66 per cent. of the holdings in England were between 1 and 50 acres in size, and these do not include the large number of allotments held mainly by agricultural labourers.

However, there was a large displacement of the rural population by the enclosure of the eighteenth and nineteenth centuries and the other causes enumerated above, and men began to consider how it might be remedied.

The serious danger to the community, as Disraeli afterwards said, of a landless proletariat, was early recognized,

[1] Stone, *Suggestions*, p. 29, Hasbach, *English Agricultural Labourer*, p. 86, says 'almost throughout the eighteenth century farm servants were regularly boarded and lodged in the farm house.'

and the moral and financial gain to the labourer by giving him a personal interest in the land was a worthier motive.

So successful were the efforts made that by the last quarter of the nineteenth century there were few agricultural labourers who had not either an allotment [1] or a garden. The attempt, however, to restore the small holder was left until quite recent times, because the large farm was looked upon as the most economical unit.

It must be confessed that much superfluous pity has been wasted on the wage-earning labourer as distinguished from the small holder. If the former has good wages and an allotment or, better still, a good garden, he generally gets more money and works shorter hours than the latter. And the latter runs more risks, for, in times of agricultural depression it is he, who, through lack of capital, is the first to go under.

Among the most advanced agriculturists there seems to be a reaction against allotments.

After an inquiry made in 1887 it was found that as a rule they were most numerous where wages were lowest. In the northern counties, where wages are highest, there is very little demand for allotments.

But if allotments are to be discarded, what about the 'ladder' for the labourer of which we have heard so much, of which the allotment was the lowest rung? The answer is that it is, in the future, to be found in the large industrial farm advocated as the best economic unit. In this farm will be various grades of posts up which the more intelligent men will climb. But we venture to think these posts will not be

[1] The modern meaning of 'allotment' must be distinguished from the allotment of land under the Enclosure Acts. To-day allotment means 'a small piece of land detached from a cottage, let to a person to be cultivated by him as an aid to his sustenance, but not in substitution for his labour for wages'. The 'small *holding*' is supposed to afford complete subsistence for the holder. Under the Small Holdings and Allotments Act, 1908, § 61, a 'small holding' means an agricultural holding which exceeds one acre and does not exceed 50 acres. The Act does not define an allotment, but § 27 forbids any person holding any allotment or allotments exceeding five acres. Therefore, a holding which exceeds one acre but does not exceed five acres is, technically, either an allotment or a small holding.

an equivalent for the magic of property or even of the temporary possession afforded by leases.[1]

One of the earliest instances of allotments is that mentioned above at Tewkesbury in 1772, and three years afterwards Nathaniel Kent advocated small holdings, though he was wise enough to see that large farms were also necessary. He seems to have been the originator of the cry of ' three acres and a cow ', for he recommends that the most industrious labourers shall have attached to their cottages three acres of pasture as well as half an acre of garden. His advocacy of small holdings, however, did not meet with success, as the large farm held the field for another century.

In providing land for the agricultural labourer the Earl of Winchelsea was one of the most prominent, and his opinion of ' the best situation for the labourer ' was some enclosed grass land to keep one or more cows and a garden near the house.

Arthur Young, as is well known, became, towards the end of his life, an advocate of small holdings and allotments, and thought that the possession of a cow and sufficient pasture was more beneficial than a small arable holding, and his opinion (and that of Lord Winchelsea) was doubtless strengthened by the difficulty the poor experienced, after enclosure, in obtaining milk.

Sir Frederick Eden, too, wished for land and pasture ' enough to maintain a cow or two together with pigs, poultry, &c., and enough also to raise potatoes for the annual consumption of the family.[2]

[1] John Stuart Mill did not take a hopeful view of allotments, saying that they ' made the people grow their own poor rate '. Small holdings also are looked on with disfavour by some of the progressive school. ' Even if,' they say, ' small holdings yield the maximum gross production per acre, they do not give the maximum return per unit expenditure of human energy,' since processes that could be more cheaply carried out by machinery are carried out by man. Against the ' magic ' of property is put the ' poison ' of property, whereby a man is led to sacrifice everything, even his health, to his land and his crops. The management of a small holding, so far from training a man to successfully work a large farm, unfits him for it ; for he is not used to handle capital and labour on a large scale.

[2] *Annals of the Poor*, I. xx.

The allotment movement had now interested many earnest men, and in 1796 Thomas Bernard, with the Bishop of Durham, and William Wilberforce, founded a Society for Bettering the Condition of the Poor, which devoted great attention to allotments and tried, not without effect, to induce landowners to help labourers to obtain land.

In the year 1800, among the premiums offered by the Board of Agriculture, were two gold medals, one to the person who should build on his estate the most cottages for labourers, each having a proper proportion of land for the keep of not less than a cow, as well as a good garden ; the other for the best scheme for rendering allotments general throughout the kingdom, which was said to be 'a great national object'. The Board of Agriculture at this date was mainly composed of landowners.

The matter had also attracted the attention of the legislature, for in 1782 the Act (22 Geo. III, c. 83, s. 27) enabled guardians of the poor to enclose waste or common near or adjoining the poor house with the consent of the lord of the manor and the majority of those having common rights, to an extent not exceeding 10 acres, for the purpose of cultivating the same for the benefit of the poor within the parish.

And in the General Enclosure Act of 1801 the thirteenth section provided that small allotments made under the Act, which would be expensive to enclose, might be laid together in a ring fence and stocked and depastured in common.

In 1806 a clause was inserted in the Enclosure Act of Broad Somerford, Wilts., assigning to every cottage in the parish an allotment of half an acre, an example followed by almost every adjoining parish,[1] and though this was no novelty it appears to be the first instance of the example being widely followed.

The labours of Bernard and Wilberforce were also bearing fruit : in 1810 the allotment experiment had been extensively tried by the Earl of Winchelsea in Rutland and Wilts.,

[1] *Report on Employment of Women and Children in Agriculture*, 1867–8, p. xxxiv.

and on his estates in the former county 70 to 80 labourers had enough land to keep from one to four cows each, and were contented and independent.[1]

In 1815 Lord Peterborough had reserved land for his labourers to their great benefit; and a few years after the rector of Chesterford, Essex, did the same, as did several other landowners.[2]

In 1821 Cobbett in his rides noticed the benefits to the labourers of the good gardens which he noticed in several parts of England, especially in the southern counties, and in Sussex he 'saw with great delight a pig at almost every labourer's house'.[3]

In 1819 an Act (59 Geo. III, c. 12) was passed, empowering Poor Law authorities, with the consent of the Vestry, to take into their hands any land belonging to the parish, or to purchase or lease on account of the parish any suitable land in or near the parish not exceeding 20 acres, and to set to work on the cultivation of such land any such persons as they were by law directed to set to work, and to pay such of the poor so employed, as were not supported by the parish, reasonable wages for their work.

Besides this farming of the land by the parish, the same authorities might let portions of the said land to the poor and industrious of the parish to be cultivated on their own account—the first provision of allotments by public Act of the legislature.[4]

In 1831 the amount of 20 acres allowed by the last-mentioned Act was raised to 50 acres by 1 & 2 Wil. IV, c. 42 (extended to Crown lands by 1 & 2 Wil. IV, c. 59), as the smaller amount had been found inconvenient in many parishes, thus showing that the demand was growing, and

[1] *Report on Employment of Women and Children in Agriculture*, 1867–8, p. xxxiv.

[2] Ibid., p. xxxv.

[3] *Rural Rides*, ed. 1853, p. 86.

[4] It has been said that 31 Eliz., c. 7 was the first allotment Act, but this statute was intended to limit the number of cottages by forbidding any to be built unless 4 acres of land were attached to each, whereas an allotment in the modern sense is detached from the dwelling.

to extend further 'the salutary and benevolent purposes of this Act' it was made lawful for the churchwardens and overseers of any parish to enclose from any waste or common land in or near such parish, with the consent in writing of the lord of the manor and the major part in value of the persons having rights of common thereon, any portion not exceeding 50 acres for the purpose of allotments for the poor and industrious inhabitants of such parish.

In 1832 the statute 2 Wil. IV, c. 42, put more land at the labourers' disposal, with the further object of supplying the loss of fuel which they had sustained through the enclosure of the commons and wastes, by enacting that trustees and parish officers should let land which had been allotted, chiefly for fuel, under previous Acts, 'which are now comparatively useless,' in allotments to any industrious cottagers of good character who should apply for it, the rents of the land being applied to the purchase of firewood, coal, &c., to be distributed in the winter among the poor parishioners.

The allotments for fuel under previous Acts, here mentioned, seem to have been frequent. Mr. Ashby states in his book on *Allotments and Small Holdings in Oxfordshire* (p. 31) that there were in 1873 probably 600 to 800 fuel allotments in that county alone.

In the meantime the larger landowners were realizing more fully the advantages of allotments to the labourer, and in 1829 allotments were laid out on the estates of the Duke of Bedford, Earl de Grey, and other landowners following this example allotments became general.[1]

In 1834 the magazine of the Labourers' Friend Society, which had been formed by a 'number of noblemen and gentlemen',[2] was established for the purpose of disseminating information on the advantages of allotments to the labouring

[1] *Report of Employment of Women, &c.*, 1867–8, p. 39.

[2] Ibid., p. 139. The founder of the Society was Mr. Benj. Wills, and the more prominent members were the Duke of Bedford, Lords Bute, Bristol, Shrewsbury, Chichester, Euston, Jermyn, Morpeth, Dacre, Sherborne, Kenyon, Gage, Foley, Ashtown, Skelmersdale, Nugent, and Mount Sandford.

classes, and during the ten years of its existence brought before the public many instances of the successful working of the system.

In the famous report of the Poor Law Commission of 1834 we learn the results of the efforts hitherto made to provide the labourer with land. The parish farms, frequently tried, had failed almost everywhere, as we might expect, from the absence of individual control and initiative. Allotments, however, had generally been beneficial and successful when provided by private individuals of their own free will; but when managed by parish officers, had seldom succeeded.[1] This was said to be due to the fact that the parish was regarded with suspicion and dislike by the tenants, and the overseers, anxious to do their work with as little trouble as possible, bestowed little care on the selection of tenants or in framing and enforcing rules. It was said that wheat grown on 'charity land' could be recognized in any market among many samples, for it was impossible that wheat of such inferior quality could be grown anywhere else.

The report further gave three valuable pieces of advice with regard to allotments derived from the large mass of evidence which they had examined:

1. Half an acre is as much as a labourer in employment can profitably work; and several witnesses said one-eighth or even one-sixteenth of an acre was sufficient.

2. When more was let to him he became a small farmer minus capital, and therefore at the mercy of any disaster such as a bad season.

3. Allotments were profitable both to landowner and labourer.

Another fact which the Report emphasized was that unfortunately at the very time the labourer was losing his land by enclosure his domestic industries were disappearing owing to the growth of the factory system; 'the day is not long past', it said, 'since in every industrious cottage family the wheel and the distaff, the shuttle and the knitting needles, were in full activity,' but these industries, which had helped

[1] *Report*, 1834, p. 107.

the peasants to tide over many a slack time, were doomed and allotments were the best substitute for them.

As to the extension of the allotment system, the Report stated that in Wilts. and Dorset there was scarcely a parish in which the labourer had not the use of land (p. 101); in Cambridgeshire the system of allotments was being generally adopted (p. 103); and many of the largest proprietors in Surrey, West Sussex, and Middlesex were providing allotments (p. 576). It was become very general in Huntingdonshire (p. 677), and in the West Riding the larger landowners were 'affording this accommodation to cottagers' (p. 739).[1]

As the landowners have been so often accused of driving the small holder and the labourer from the land—a displacement really the effect of economic tendencies which the landowners were the first to try and remedy—it is only just to state that the chief opposition to allotments at this period came from the farmers who said, as they have often said since, that allotments made the labourer too independent and negligent of his work on the farm; that he reserved his best energies for his own land; that they wanted all the land for themselves; and the labourer would never pay his rent; moreover, the farmers feared a diminution of their profits by the introduction of a new class of producers. The village shopkeepers were also against them as they were afraid that if the labourers produced food themselves they would buy less of them, which was actually the case; and the innkeepers were afraid that if the labourer was employed on his own land he would have less time and inclination for the public house; and their fears, fortunately, were fully justified.

Among the instances of the practical working of allotments given in the Report was that of the Bishop of Bath and Wells at Wells. Here 50 acres were let by the Bishop to 203 persons in quantities varying from one-twelfth of an acre to half an

[1] See Levy, *Large and Small Holdings*, for the establishment about 1840 of some small holdings and allotments by the Anti-Corn Law League, in order to get the votes of the small holders.

acre at a rent of 50*s.* an acre. The conditions on which they were let were :

No lot was to exceed half an acre.

The land was tax and tithe free to the tenant.

The rent was to be paid before the crop was dug up.

The land kept properly manured.

No damage was to be done to walls or fences.

Half a crown was given annually to each one punctually paying his rent who had not broken any of these rules, and the Bishop annually gave premiums to those producing the best crops of potatoes.

The tenure was considered secure during the lifetime of the Bishop, and during good behaviour.

So beneficial was the effect of the system on the tenants that of twenty-nine who were formerly in receipt of parish relief not one at the date of the Report was on the parish.

The following is an account of the annual profits of a quarter of an acre taken from an average based on the crops of six years :

| *Cr.* | £ | *s.* | *d.* | *Dr.* | £ | *s.* | *d.* |
|---|---|---|---|---|---|---|---|
| 20 sacks of potatoes . . . . | 4 | 10 | 0 | Rent . . . . . | | 12 | 6 |
| Other vegetables . . . . . | 1 | 0 | 0 | Digging . . . . | | 8 | 0 |
| | 5 | 10 | 0 | Manure . . . . | | 10 | 0 |
| | | | | Seed . . . . . | | 3 | 0 |
| | | | | Planting . . . . | | 4 | 0 |
| *Less* rent & labour, as opposite | 2 | 15 | 6 | Hoeing, &c. . . . | | 8 | 0 |
| | | | | Digging & hauling . | | 10 | 0 |
| Profit | 2 | 14 | 6 | | [1] £2 | 15 | 6 |

In most cases, however, the labour would all be done by the tenant.

The rents were collected without difficulty, and it was cited

[1] Compare this with the account of an Oxfordshire allotment of one acre cultivated by spade in 1914 (Ashby, *Small Holdings in Oxfordshire*, p. 65) :

| *Cr.* | £ | *s.* | *d.* | *Dr.* | £ | *s.* | *d.* |
|---|---|---|---|---|---|---|---|
| Wheat, ½ acre, 20 bush. @ 4*s.* . | 4 | 0 | 0 | Rent . . . . . | 1 | 10 | 0 |
| Beans, 3½ chains, 15 bush. @ 4*s.* | 3 | 0 | 0 | 30 days' work @ 2/6 | 3 | 15 | 0 |
| Potatoes, 1 chain, 12 cwt. @ 5*s.* . | 3 | 0 | 0 | Manure . . . . | 1 | 5 | 0 |
| Mangolds, ½ chain, 1 ton . . . | | 12 | 0 | Cartage . . . . | 1 | 0 | 0 |
| | | | | Threshing . . . | | 11 | 8 |
| | | | | Seed . . . . . | 1 | 0 | 0 |
| | £10 | 12 | 0 | | £9 | 1 | 8 |

as a proof of the good feeling produced that the pheasants in the adjoining wood had not been poached ; and at the time of the Bristol riots the occupiers offered to come in defence of the Bishop's palace. We are not surprised to learn that the system was being adopted in other parts of the county.

The Boards of Guardians, to whom the administration of the Poor Law was entrusted by the Act of 1834, were no more successful in the provision of allotments than the former authorities, and it was the lot of the landowners to try and make up for their deficiency, so that many in various parts of the country provided land for the labourers, and it may be safely asserted that they were the best supporters of the movement. The secretary of the Northern and Midland Counties Labourer's Friend Society, whose business had given him wide experience in the matter, said that the landowners ' were most cheerfully willing ' to let lands for allotments.[1]

It was high time, indeed, that efforts should be made to help the poor ; the standard of life of the mass of the population during the great French war was so bad as hardly to admit of deterioration, and yet it did become worse, especially after 1834, when the allowance system was abolished by the new Poor Law, and a trying period of transition to more wholesome conditions was experienced. Between that date and the abolition of the Corn Laws in 1846 the food of the people was reduced almost to the condition of the famine years of the Middle Ages. The *Report on the Handloom Weavers*[2] of 1840 says, ' taking the whole body of agricultural labourers, beef and mutton as articles of food are almost unknown from the North of England to the South.' When, after 1836, the price of corn rose rapidly the consumption of meat in the large towns fell off by 30 to 40 per cent. With rising corn prices and no increase in wages the labourer had no money to spend in meat, butter, or cheese. Nettles, swedes, and rotten apples were devoured ; children fought in the streets for scraps which the rich would not have

[1] *Report on Labouring Poor*, 1843, Qu. 1624.

[2] Vol. xxiv, p. 28 ; and H. Levy, *op. cit.*, p. 47.

offered their dogs. 'I could tell you of mothers dividing a farthing salt herring and a halfpenny worth of potatoes among a family of seven,' wrote the correspondent of an M.P. in 1841.[1] 'The old fare of bread, bacon, and beer was often replaced by water gruel, rice, and potatoes, with a decoction of boiled tea leaves for drink.'[2] 'Our labourers,' said another, 'are paupers, poachers, and incendiaries, and their present state cannot be permitted much longer to exist.'[3]

In the middle of the nineteenth century, when the conditions of the 'hungry forties' had somewhat improved, the labourer's fare in some of the eastern counties was set forth by Mr. Wilson Fox as under :

| | *Huntingdon and Cambridge.* | *Norfolk and Suffolk.* | *Essex.* |
|---|---|---|---|
| Breakfast . . . | Bread and skim milk, or lard, or dripping. | Bread and butter, or lard, or dripping; tea. In some cases bread and skim milk, or bread and water. | Bread, sometimes butter or cheese. |
| Dinner. . . . | Pudding or dumpling. Sometimes vegetables. Meat, for husband only, occasionally. | Bread and vegetables or inferior cheese. Sunday: a little pork. | Bread and cheese. Sunday: sometimes pork or bacon. |
| Tea & Supper . . | Bread and lard or dripping with an onion, or a herring or cheese. | Bread with an onion, or butter, lard, or dripping; tea. | Vegetable pudding. Sometimes a little pork. |

It cannot be said that the man who had breakfasted on bread and skim milk was well fortified for hard physical work ; nor would a tea and supper of bread and lard, or dripping, when tired and hungry be very exhilarating !

In 1843 two Reports appeared which give us the results of the working of the allotment system up to that date : those of the Poor Law Commission on the Employment of Women and Children in Agriculture, and of the Committee on the Labouring Poor (allotments of land).

[1] Hansard, lix. 759.

[2] Levy, *op. cit.*, p. 48.

[3] G. W. Perry, *Peasantry of England* (1846), p. v.

It was stated in the latter (p. iii) that not until 1830, when discontent had been so painfully manifest among the peasants of the southern counties, had the method been much resorted to ; and it was there adopted by many benevolent landowners. From the information collected by the committee, allotments were to be found in all agricultural counties but had not become universal in any one of them, and there were some in the manufacturing districts. The committee considered that the allotment should not be large enough to induce the holder to neglect his usual paid labour, and as a rule a quarter of an acre was found sufficient, and it ' should be near the dwelling of the occupier '. The improvement in the moral standard where allotments had been granted was most marked, poaching diminished, the public house was less frequented, the home was more comfortable, and the general appearance of the people altered for the better.[1] Allotments seemed to be the natural remedy for the detrimental changes wrought in the condition of the labouring classes by shutting them out of all personal interest in the produce of the soil and throwing them for subsistence wholly on wages.

In this connexion it is interesting to observe that the rules drawn up at this time for the management of allotments were often as much concerned with the conduct of the tenants as with their husbandry. Work on Sunday was strictly prohibited, attendance at a place of worship enjoined, drunkenness, gambling, and swearing led to expulsion from the holding.[2]

At West Looe the poor rate since the introduction of allotments had fallen from 10*s*. in the £ to 3*s*., and the moral improvement was beyond calculation.

It was found that those holdings had been most successful where spade culture was used, and the effect in some cases was described as wonderful. In one district in Notts., where land under the plough had hardly returned the seed, 100 sacks of potatoes per acre was the return when dug,[3] and no land

[1] *Ibid.*, Qu. 1666. [2] *Ibid.*, pp. 101 and 112.
[3] *Ibid.*, Qu. 1674.

was said to be so poor as not to make a return to spade culture. In Kent the produce of allotments was treble that obtained by the farmer from the same land,[1] and there many allotments were successfully cultivated by women and children only.

The general average profit from a quarter of an acre was from £4 to £5 a year.

At East Dean, in 1842, Jesse Piper reckoned the produce from his 4 acres (practically a ' small holding ') to be

| | £ | s. | d. |
|---|---|---|---|
| 42 bush. of wheat, @ 7*s.* 6*d.* . . . . . | 15 | 15 | 0 |
| 250 bush. of potatoes, @ 15*d.* . . . . . | 16 | 12 | 4 |
| Food for a cow which gave 4 lb. of butter per week, @ 1*s.* per lb. . . . . | 10 | 0 | 0 |
| Food for another cow (Ditto) . . . . . | 10 | 0 | 0 |
| Food for 3 pigs at 20 stone each, @ 3*s.* 6*d.* per stone . | 10 | 10 | 0 |
| | £62 | 17 | 4 |

The cost of cultivation was £10 an acre, as the land was done well and manured highly ; but £5 an acre of this was saved to the tenant owing to the fact that he used one of his cows as a draught animal—work which, Piper said, made no difference to her flow of milk or her general condition.[2]

The attitude of the various classes connected with the land towards allotments had changed considerably in recent years ; the farmers were less hostile, the landowners more cordial, and the gratitude of the labourers themselves, who were at first often suspicious for fear the farmers would turn them off or that their allowances from the parish might be diminished, was in many places very great ; in some cases taking the form of presents of vegetables to the landlord.

There were exceptions however ; in Essex, for instance, the farmers were very much against allotments and their chief reason for this was that the holders deprived them of the manure from the roads, in those days when a vast amount of traffic that now goes by rail went by the roads, an important item ; the farmers collecting the manure in large heaps by the roadside.[3]

It was also stated that rents were paid punctually, the

[1] *Ibid.*, Qu. 20. [2] Qu. 1148–1209. [3] *Report*, p. 247.

labourers worked none the worse for the farmers, and they were not rendered too independent.

Unfortunately it was very often the case, as it is to-day, that the rent charged for allotments was much higher, even after allowing for the extra expense of small holdings, than that paid by farmers, but the Report asserted that this was generally due to the action of the farmers and not to the landlords.[1]

It was found, in one locality at all events, that the effect of letting land to people previously ignorant of land cultivation was not disastrous, as one would expect it to be. Just outside Leeds 140 allotments, varying from 10 to 40 rods, were let to weavers and mechanics of every description, many of whom had never seen a spade and had to be shown how to dig their land, but though they were very awkward at first, their holdings were, after a few months, in as good a condition as those of men brought up to the land, and grew good crops of potatoes, onions, carrots, rhubarb, &c. At the same time they were not able to do as much work as the labourer who had been brought up to the land and was therefore hardier and stronger; but it was admitted that most of the tenants were oldish men.[2] Ignorance of the land, however, may not be so great a handicap on a small allotment where the tenant merely has to dig, in his spare time, with plenty of friends in the open field around to help him, as on a small holding whose entire management in all its details falls on his own shoulders.

The general opinion of the witnesses examined was that those concerned in the administration of the Poor Law should have nothing to do with the management of allotments, because the poor thought that in that case the land was let to serve the poor rates and savoured of parish relief.[3] But all the witnesses were of one mind as to the importance of allotments being held directly from the landlord, for he was much less likely to charge excessive rent than the

[1] P. iv. In connexion with this evidence it is interesting to recall Mill's assertion that peasant rents should never be at the discretion of the landlord, but should be fixed by custom or law (*Pol. Econ.*, p. 333).

[2] *Report.*, Qu. 2063 seq. [3] *Ibid.*, Qu. 293.

farmer[1] and it increased the self-respect of the tenant to have a 'little lease' direct from the landowner.

As regards the spread of allotments at this date we may give the following instances:

In Lincolnshire 'many labourers have allotments, and some even cows'.[2] In Kent there were 3,000 allotments, at an average rent of £2 an acre.[3] In Notts the Duke of Newcastle, between 1839 and 1843, had set out nearly 2,000 with great success to labourers, colliers, and mechanics, and near Nottingham 400 gardens were held under the corporation.[4] In Norfolk and Suffolk the system was becoming general. In Yorkshire it was not general, many districts having allotments, many having none; in Holderness there were many gardens, and in the East Riding many cow garths as well as allotments which had been introduced as long ago as 1823 by Lord Wenlock.[5] In Devon, Cornwall, and parts of Somerset gardens were very generally given to labourers instead of allotments. In Surrey and Sussex there were few districts in which they had not been tried to some extent.[6] In Northamptonshire cottage allotments were very general, scarcely a parish being without some; and it was found that while small ones were successful, those of 2 or 3 acres were too large.[7]

One of the greatest advantages brought about by giving the labourers land was that it enabled them to be less dependent on the village shops which, from the absence of competition owing to the still imperfect methods of communication, were able to charge extortionate prices; blankets, for instance, being double the price charged in London, and shoes excessively dear, while the quality of the articles was often very bad. Most of the poor were entangled in the meshes of the credit system by the village shopkeeper, and, once caught, had to buy most of the necessaries of life from him. Their being enabled to grow much of their food on their allotments helped them to avoid this danger.

[1] Qu. 300, 850, 1830, 1878, 2277.
[2] *R. A. S. E. Journ.*, 1843–4, p. 315.
[3] *Report of* 1843, Qu. 143.
[4] *Ibid.*, Appendix.
[5] *R. A. S. E. Journ.*, 1848–9, p. 127.
[6] *Report of* 1843, p. 143.
[7] *R. A. S. E. Journ.*, 1852–3, p. 91.

# CHAPTER XX

## REDISTRIBUTION AND REPLACEMENT (*continued*)

THE LAND COMPANY OF FEARGUS O'CONNOR.—ALLOTMENTS IN 1886.—SMALL HOLDINGS IN 1885.—THE ALLOTMENTS ACT OF 1887.

The Reports of 1843 exercised considerable influence on the framing of the General Enclosure Act of 1845 (8 & 9 Vic., c. 118), and section 31 of this Act provided, in certain cases, for the 'apportionment of such an allotment for the labouring poor as the Commissioners shall think necessary with reference to the circumstances of each particular case.' Such allotments were to be managed by allotment wardens who were to let them in gardens not exceeding a quarter of an acre each, from year to year.

In 1858 the allotment system was discussed at a meeting of the London Central Farmers' Club[1] which comprised many well-known practical agriculturists, and the opinion in favour of the system from farmers and landowners was decided, and its more general adoption was strongly recommended.

In selecting land for allotments, nearness to the homes of the labourers was insisted upon as well as a moderate size, while the encouragement of good cultivation by rewards was also declared beneficial. Where men had too much land their position instead of improving retrograded; and allotments were best as an adjunct, and not as a substitute, for hired labour. In 1859 Mr. J. C. Morton said, 'every one now admits that the so-called allotment system is beneficial both to the labourer and his employer.'[2]

In the same year as the General Enclosure Act, the National Land Company of Feargus O'Connor came into being. The method of working was as follows: shares of 26*s.* were allotted, to be paid up in weekly instalments of 3*d.*, 6*d.*, and 1*s.* Holders of two shares were entitled to

[1] *Report on Employment of Women and Children in Agriculture*, 1867–8, p. xli.

[2] *R. A. S. E. Journ.*, 1859, p. 92.

ballot for a house, 2 acres of land, and £15 capital advanced ; holders of three shares, for a house, 3 acres, and £22 10*s.* 0*d.* ; holders of four shares, for a house, 4 acres, and £30. Those who received allotments in the ballot became owners on payment of a rent charge of 5 per cent. on the original outlay. Seventy thousand persons subscribed for shares, most of whom came from towns, especially London, and the northern industrial areas, who had no knowledge of agriculture.

Three estates were bought, the largest at Minster Lovell in Oxfordshire, consisting of 297 acres and a farmhouse, at £37 per acre.

Forty-four acres and the homestead was sold, and the amount of land divided was 250½ acres, which was cut up into 34 holdings of 4 acres each, 16 of 3 acres, and 30 of 2 acres each. Cottages were built at a cost of £120 each—one-storied, stone houses, solidly constructed, the price of which seems to-day wonderfully cheap. But the Company's operations were declared illegal, as a lottery, and although the lottery system was abandoned the public confidence was shaken and the Company wound up.

When the Company was wound up a number of the holdings were sold by auction, so that some of the cultivators were freeholders, others the owners of permanent leases subject to the rent charge, and others tenants under owners of freeholds or leases.

As many of the settlers of urban origin had gone back to industrial employment, those who were left were mostly agricultural labourers or men of some rural occupation, and from about 1858 to 1887 the colony was prosperous. Potatoes, then little grown by the neighbouring farmers, were the main source of revenue.

With the depression in agriculture, farmers took to growing potatoes, the local market was over-stocked, in 1881 and 1882 potatoes suffered from disease, and some of the small holders were almost ruined. Most of them, however, were agricultural labourers, others had a little business of their own, so that they struggled on by the hardest of work.

During the next few years the value and rent of the holdings were falling, and in 1888 the rent of 4 acres and a cottage varied between £10 and £12.

In 1889 there were 33 freeholders, 9 leaseholders, and 18 tenants, or 60 cultivators instead of the 80 who started in 1845, which does not point to much engrossing, though some few cultivators held as much as 10 or 12 acres. In 1914 there were 69 occupiers, of whom 26 were occupying-owners; but the holdings had often changed hands, and as early as 1867 only two of the original allottees remained.

Opinions as to the results of the colony differed widely. An assistant commissioner of the Richmond Commission on Agriculture said the experiment was a complete failure, and furnished no ground for the encouragement of similar schemes. The utmost that could be said for it was that it called forth qualities of endurance, perseverance, and resource.

On the other hand, the late vicar of the parish said the colony supported 300 people, or 250 more than it would support as a large farm, and the cultivators were physically and mentally superior to the average labourer in the vicinity. The colony, too, had withstood the late agricultural depression better than the large farmers around, because the colonists were largely producing for their own consumption and so far were not affected by the fall in prices.

The colony is handicapped by several circumstances: it is too far from a good market; many of the plots are too large for a labourer who also works on a farm, and too small for the man who could devote all his time to his holding. And, as so often in England, there is no proper co-operation and no credit bank.

There was, without question, a steady growth of the system, and Professor Hasbach states that in 1868, 'broadly speaking, the earlier state of things was at an end.'[1] According to the *Report of the Employment of Women and Children in Agriculture* of 1867–8,[2] the extent to which allotments had been adopted throughout the country was not known, but from the evidence at hand it was presumed that it had

[1] *The English Agricultural Labourer*, p. 263.

[2] P. xli.

extended considerably since 1843, though it was equally clear that the quantity of land allotted fell greatly short of that which might thus be usefully applied. The increase was mainly due to voluntary effort, and many of the great landowners had let large quantities of land in allotments ; notably Lord Shaftesbury who had provided 396 in Dorset, Lord Lansdowne 832 at Bowood, and the Duke of Marlborough 914 in Oxfordshire.

The importance of gardens attached to cottages was insisted on in the same report : a garden supplies the labourer with all the vegetables he consumes ; if well stocked with fruit trees it will go far towards paying the rent, the garden and the house nearly keep a pig, and the pig, by the manure, half keeps the garden ; the flowers, too, have a refining influence. Thirty rods was thought an ample size for a garden and if a man had as much as this he seldom wanted an allotment, for the garden has many superior advantages : it is close under his eye, and he can turn to account many spare ten minutes ; and, being within reach of the pig-stye it is manured much more cheaply than the allotment, a most important consideration.

Between 1868 and 1881 the allotment movement seems to have sustained a setback, as the report of the Royal Commission on Agriculture of 1881 says, they had disappeared in many counties, but the cause of the disappearance, the evidence said, was not apparent,[1] though it seems to have been coincident with the failure of the Labourers' Friend Society. It may, perhaps, have been partly due to the disproportionate rents asked, which were as a rule from 25 to 40 per cent. more than for the farmer's land and, in some cases, five or six times as much as the farmer paid was demanded.

It seemed, therefore, as if the voluntary letting of allotments had not met the demand, and other methods were recommended. The National Agricultural Labourers' Union, founded in 1872 with the famous Joseph Arch as president, aimed at increasing the number of allotments and also at

[1] Qu. 59, 303, sq.

reviving peasant proprietorship. For the former object they desired to obtain the letting of charitable trust lands, hitherto let to farmers, to labourers—a scheme suggested first by Mr. Theodore Dodd and Mr. Howard Evans.

Up to 1880 the arguments in favour of small holdings were mainly social, but with the decay of corn growing and the large farm, economic arguments were advanced also. In 1880 Mr. Jesse Collings took the matter in hand, and the result of his labours was the Extension of Allotments Act of 1882 (45 & 46 Vic., c. 80), which provided that all trustees of lands vested for the benefit of the poor of any parish should set apart such field or other portion of the said lands as was most suitable for allotments, and when that was all let to set apart the rest of their land as demand for it arose ; further, if any of such lands were inconvenient for allotments they were to be let otherwise, and lands more convenient hired with the rent so obtained.

This Act did not work well as the trustees threw many obstacles in the way of it.[1]

There is, unfortunately, no return of the number of allotments provided under it, but in 1886 a Parliamentary Return[2] gives the number of potato grounds, cow runs, and allotments detached from cottages in June of that year, nearly all of which must have been the result of voluntary effort.

Agriculturists in England have not been cordially helpful in furnishing statistics, as was proved in the early agricultural returns, and in this case the Board of Inland Revenue cautions us against placing too much reliance on these figures as ' great difficulty was frequently experienced in obtaining the information required ' ; but they give us, at all events, an approximate idea of how far the allotment movement had spread, and are the best available :

GREAT BRITAIN.

| | |
|---|---|
| No. of labourers having potato grounds . . | 111,146 |
| ,, ,, ,, cow runs from farmers . | 17,302[3] |

[1] Stubbs, *The Land and the Labourers*, p. 45.

[2] Accounts and Papers, 1886, lxx. 84.

[3] The size of the potato ground is not given, and the size of only a portion of the cow runs, these averaging slightly over 2 acres each.

The number of allotments detached from cottages not exceeding 4 acres was in Great Britain :

| | |
|---|---|
| Under one-eighth of an acre. . . . . | 134,932 |
| Of one-eighth and under one-fourth of an acre | 117,766 |
| Of one-fourth and under 1 acre . . . | 105,097 |
| Of 1 to 4 acres, both inclusive . . . | 36,722 |
| *Total* . . . . . | 394,517 |

More than three-fourths of these allotments were stated to be within half a mile of the cottages.

In addition to the above there were in Great Britain 272,567 garden allotments attached to cottages of and exceeding one-eighth of an acre.

The allotments and gardens granted by railway companies to their servants, also enumerated, numbered 39,425 detached from cottages, with 6,142 attached to cottages.

The total number of persons thus provided with land, excluding railway servants, was 795,532, and deducting the number of Scotch from this, viz. 46,223, we have 749,309 working men who were not ' landless ' in England and Wales at this date.

According to the census returns the number of agricultural labourers in England and Wales was in 1881 890,174, and in 1891 798,912, and we shall be not wide of the mark in assuming that there were about 850,000[1] in 1886. It is obvious that the great majority of those provided with potato grounds and cow runs were agricultural labourers, and it is probable that most of those provided with allotments and cottage gardens were also, so that it will be seen that by 1886 a very large proportion of the agricultural labourers of this country had been replaced on the land, largely by the voluntary efforts of the big landowners.

Nor must we forget the small holders, holding 50 acres and under, many of whom were doubtless descendants of those who held the land before enclosure.

In the Report on the Housing of the Working Classes,

[1] A large number of the labourers who figure in the census were women, who would not, as a rule, take allotments. On the other hand, shepherds are not included in the above figures.

1884–5, the spread of allotments, and their benefit to labourers, was proved by many of the witnesses examined.[1]

The failure of the Act of 1882 only stirred the labourers' friends to fresh efforts, and they turned their attention to the revival of the peasant proprietor. It was said that the agricultural economy of modern times had outlived its usefulness, that large farming, though with every scientific and technical means to back it, must give way to the rude and primitive system of small holdings.[2] These enthusiasts, indeed, rushed from one extreme to the other.

The failure of the labourers to increase their wages in 'the seventies' under Joseph Arch's leadership, owing to bad seasons and falling prices, turned their attention to other means of improving their position, and they swelled the cry for small holdings.

The recent labourers' agitation had been confined almost entirely to counties where wages were low; and the allotments and small holdings movement showed the same tendency. In 1914, a similar connexion between small holdings and low wages was observed, for in 21 counties where the average earnings of ordinary farm workers exceeded 17*s.* 6*d.*[3] the number of small holdings established since 1907 was 10 for each 1,000 men employed. In 19 counties where the average earnings fell below this sum, the number of small holdings established was 28 for each 1,000 men.

There seems to have been as yet, that is in the early eighties, little effort in the direction of small holdings, for though the number of allotments set out has been shown to be considerable, that of small holdings, created to supply the loss from enclosure, was apparently few, and these leaseholds, as on the estates of Lord Lichfield in Staffordshire, on Mr. Harris's in North Devon, Mr. Bligh's in Breconshire, Mr. Fryer's in Hampshire, and some others.[4]

On Lord Lichfield's estate the holdings were from 4 to

[1] *Parliamentary Reports*, 1884–5, xxx. [2] Hasbach, *op. cit.*, p. 309.

[3] 17*s.* 6*d.* was the average earnings for ordinary farm labourers, according to the Report of 1907 (Cd. 5460). (Ashby, *Allotments, &c., in Oxfordshire*, p. 87.) [4] See Jebb, *How Landlords can create Small Holdings.*

7 acres, and given to the most deserving agricultural labourers. Those on Mr. Harris's at Halwill date from 1874 and were created largely by taking small portions of land off the larger farms and adding them to adjoining cottages. The district is purely agricultural, and the conversion of much arable to grass in the times of agricultural depression would no doubt have resulted in the usual depopulation if the holdings had not been created. Their success is proved by the fact that in 1907, though the rural population of the county had decreased 30 per cent., the population of Halwill parish had increased 60 per cent. At the same date 450 acres were held by 25 tenants, renting from 3 to 40 acres, which were roughly divided into (*a*) cottage holdings with land up to 18 acres, nearly all pasture with a cultivated strip for roots, &c. whereon most of the work can be done by the women and children so that the tenants work regularly for wages; (*b*) small farm holdings up to 40 acres which contain a larger proportion of tillage land, but even these are held by tenants who have other employment. The rents at that date were:

(*a*) for enclosed moorland brought into cultivation by the tenants, 5*s*. an acre, with the understanding that the rent will not be raised on improvements;

(*b*) for arable land up to 15*s*. an acre;

(*c*) for good pasture, up to £3 10*s*. 0*d*. an acre.

Tithe, rates, and taxes are paid by the landlord, the tenancies are by yearly agreements, with the assurance that no one shall be turned out who pays rent regularly and cultivates his land properly.

There are the usual evidences of men who had worked their way up to prosperity. One started life as a drainer at 18*s*. a week; then rented a few acres, and gradually increased his holding until in 1907 he farmed 90 acres, kept the village shop, and did a large trade in buying up poultry and butter for Torquay.

Apart from financial considerations, Mr. Harris considered that one of the benefits conferred on landowners by small holdings lies in the satisfactory class of workmen and tenants

which it creates on an estate ; and this is especially the case when the small holdings are rewards for the best men who have worked their way to them by thrift and industry.[1]

The case of the small holder had been considered by the Commission on the Employment of Women and Children in Agriculture whose report furnishes so vast an amount of information on the prevalent conditions of agriculture. The small farmer was said to live harder, employ his children earlier, and give them less education than the agricultural labourer ; this, it is to be noted, was just before the Education Acts.[2]

' The small farmers are a very industrious race and impart their industrious habits to their children, and although they work harder than the agricultural labourer and are able to command less of the necessary comforts of life, they prefer their position to that of the labourers on account of its independence.' But in regard to the result of small farms of from 10 to 50 acres or thereabouts, on the produce of the land the evidence entirely proved that ' it is impossible for agriculture to make any decided advance in a district where the holdings are so small as to make it unprofitable for the occupier to employ the ordinary mechanical aids which increase the produce of a farm at the same time that they lessen the cost of production.' This was noticed particularly in Wales, where the great proportion of farms were small ; and the Report was merely reaffirming Young's statement that all the improvements in farming were due to the large farmer and the landowner. Wales, it was said, owing to the prevalence of small farms, was ' very little advanced from a state of nature as regards farming '.[3]

Yet there were a considerable number of small holdings in existence, many of which must have been survivals from pre-enclosure days.

[1] For further particulars see Miss Jebb's pamphlet quoted above. For an instance of the complete failure of small holdings see *R. A. S. E. Journ.*, 1894, p. 90.

[2] *Report*, 1870, p. 16. In 1651 Blith described the small farmers as living ' worse than in Bridewell '.

[3] *Ibid.*, p. 16.

The number of small holdings in June 1885 is set forth in the Parliamentary Return for 1886,[1] and they are as follows :

| | *England.* | *Wales.* | *Scotland.* | *Total.* |
|---|---|---|---|---|
| Of one-quarter of an acre, but under 1 acre . . . . . | 21,069 | 1,083 | 1,360 | 23,512 |
| Of 1 acre and not exceeding 5 acres . . . . . | 103,229 | 11,044 | 21,463 | 135,736 |
| Above 5 and not exceeding 20 acres. . . . . | 109,285 | 17,389 | 22,132 | 148,806 |
| Above 20 and not exceeding 50 acres. . . . . | 61,146 | 12,326 | 10,677 | 84,149 |
| | 294,729 | 41,842 | 55,632 | 392,203 |

The percentage of the holdings in each class to the total number of holdings of all sizes returned, was :

| | |
|---|---|
| From ¼ to 1 acre . . . . . | 5·08 |
| „ 1 „ 5 „ . . . . . | 24·88 |
| „ 5 „ 20 „ . . . . . | 26·34 |
| „ 20 „ 50 „ . . . . . | 14·74 |
| | 71·04 |

Or, in other words, nearly three-quarters of the agricultural holdings in the country were 50 acres or under. At the same time, those under 1 acre are not ' small holdings ' in the usual sense of the word, and should be added to the list of allotments, with a deduction (unfortunately the amount is not stated) for the fact that some of those under 1 acre, and many of those of from 1 to 4 acres, were also included under the allotments in the return of 1886, above quoted.[2]

Allowing, however, for this deduction, it will be seen from adding the holdings in the return for 1885 to those for 1886 that the lamentation over the landlessness of the poorer classes has been overdone.

Nor were the small holdings confined to particular districts. As a rule small farms are common in grass districts and large ones in arable countries, but the rule is not invariable. In 1886 in Lincolnshire and Norfolk, the premier grain-producing counties, there were 20,000 holdings in the former and 12,000 in the latter under 50 acres.[3]

[1] *Accounts and Papers*, 1886, lxx. 108.

[2] See note to report quoted, p. 116.

[3] *R. A. S. E. Journ.*, 1887, p. 3.

It is true that the total number of those having allotments and small holdings bears a very small proportion to the total of the poorer classes, but the great masses in our large manufacturing towns are from the position of their homes unable to take land, and, if we omit the agricultural labourer, the demand for allotments and small holdings has chiefly arisen from the small towns and the outskirts of the large ones.[1] However, the existing supply of land was not thought sufficient, and there was also a growing desire to get some of the masses in the towns back to the land.

Accordingly, in 1887 Mr. Jesse Collings, the 'Grand Old Man' of the movement, brought in a Bill to increase allotments and to revive 'the peasant class of small holdings'[2]; but the Bill was supplanted by one of Mr. Ritchie's, which dropped the small holdings and became law as the Allotments Act of 1887 (50 & 51 Vic., c. 48), the passing of the Act being apparently hastened by the victory of the allotments candidate in an election in the Spalding division of Lincolnshire which turned on the question.[3]

This, for the first time, placed in the hands of local authorities compulsory powers of acquiring land for allotments, and its chief provisions were : on the motion of six parliamentary electors or ratepayers the Sanitary Authority might be requested to provide allotments by purchase or hire for a given district, and if the land could not be acquired by agreement it might be acquired compulsorily through the county authority and let out in parcels not exceeding 1 acre to any one person. There were also provisions for providing cow pastures. Where deemed necessary, a quarter's rent might be required in advance by the Sanitary Authority. In 1890, by 53 & 54 Vic., c. 65, a power of appeal was granted from the Sanitary Authority to the County Council. There was much opposition to the Act, largely because of dislike of the compulsory powers, and it must be said to have been

[1] Under the Small Holdings Act of 1908 about one-third of the small holders are agricultural labourers, the rest almost entirely the tradesmen of small towns and villages—blacksmiths, hawkers, bakers, butchers, publicans, &c.

[2] *R. A. S. E. Journ.*, 1874, p. 396.

[3] *Contemporary Review* for April 1894.

a failure. From the date of the Act up to December 28, 1894, when sanitary authorities ceased to exist under the provisions of the Local Government Act of 1894, to be presently mentioned, 83 rural sanitary authorities had acquired land for allotments under the Act of 1887 [1]

(*a*) in one parish by compulsory purchase ;

(*b*) in 18 parishes by purchase by agreement ;

(*c*) in 132 parishes by hire, by agreement.

The total acreage of the land so acquired was 1,836 acres and the total number of tenants 4,711.

490 rural sanitary authorities had not acquired land.

Besides this, twelve county councils had acquired land for allotments under the Allotments Acts of 1887 and 1890 :

(*a*) in 1 parish by compulsory purchase ;

(*b*) in 5 parishes by purchase by agreement ;

(*c*) in 26 parishes by hire by agreement, the total acreage so acquired being 413 acres, held by 825 tenants.

Thus the total acreage acquired by sanitary authorities and county councils was 2,249, and the total number of tenants to whom the land was let, 5,536.

Yet though legislation had failed allotments had multiplied greatly, owing to the voluntary efforts of landowners.[2] In 1893 Lord Carrington had, on a single estate, let two-thirds as many allotments as had been granted under the Acts mentioned ; [3] and other landowners had set out a large number, among them Lord Tollemache, Lord Crewe, the Duke of Portland, Earl Spencer, and the Earl of Denbigh, so that in the report of the Royal Commission on Labour, of 1893, it was said that the supply was generally equal to the demand,[4] though this was denied by Mr. Wilkinson in the *Contemporary Review* for April 1894.

[1] *Parliamentary Accounts and Papers*, 1895, lxxxiv. 42.

[2] Probably the efforts of landowners were quickened by the legislation.

[3] *Contemporary Review*, April 1894.

[4] *Parliamentary Papers, Eng.*, 1893, xxxv, Index. The growth of allotments under one acre detached from cottages is illustrated by the following table from *Parliamentary Accounts and Papers*, 1890, lvii. 329 :

| | 1873. | 1886. | 1890. |
|---|---|---|---|
| England and Wales . . . | 244,268 | 353,821 | 451,586 |

An article in the March number of the *Economic Journal* for 1893 gives some very interesting statistics as to the working of the allotment system at this date, as observed in 69 parishes in a Midland district. There was produced by it a rapid improvement in the position of the labourer, and great changes in his condition.

It was a noteworthy fact that in the portion of the district examined, which was ill served with railways and remote from towns with a heavy clay soil, although wages rarely exceeded 12*s.* a week, yet, as there was a good supply of allotments, the comfort of the working classes was perhaps superior to that of the other portion which was well served with railways, close to several large towns, and blessed with a lighter soil but was scantily supplied with allotments.

Contrary to the general anticipation allotments had tended to increase wages, for they took labour out of the market, especially in slack seasons, and fixed a reserve price for labour, since a man would not work for an employer if he could get a higher return for his labour on his allotment, and the produce of allotments created a reserve fund analogous in its effects to a trade union fund. Herein the farmers' fears that the labourer would be rendered independent by allotments appear to have been justified ; but it may be doubted if any one but the worst sort of farmer would be displeased at this.

The growth in the number of holdings showed a steady increase. Before 1840 there were few, but a considerable number were let between 1840 and 1850, and then the growth was :

| | |
|---|---|
| 1850 | 650 acres |
| 1870 | 850 ,, |
| 1881 | 1,096 ,, |
| 1891 | 2,393 ,, |

After 1891 there was a pause, though the supply was said to stimulate an ever-increasing demand. The ordinary rent was 40*s.* an acre, rising in some cases to 84*s.*, or from 10*s.* to 30*s.* an acre more than the rent of the neighbouring farms.

As regards the much discussed question of the relative rent of allotments and farms, it was pointed out that the following considerations should be taken into account :

1. Landlords generally pay rates on allotments.
2. Allotment land is usually more conveniently situated than ordinary farm land.
3. Allotment holders pay rent on land actually in cultivation whereas the farmers' acreage includes hedges, ditches, and roads, and sometimes very bad patches of land.
4. To this must be added, of course, the extra trouble and cost of collecting a number of small rents and supervising a number of small tenants.
5. On the other hand, there are usually no landlord's buildings on allotments.
6. Allotment holders pay rent more punctually than farmers ; they rarely have rebates or the three months' grace usually allowed to farmers.

Taking these facts into consideration, from 10 to 20 per cent. additional rent may be asked for allotments as compared with farms, though circumstances may alter this considerably.

Previous experience was confirmed that half an acre was enough for a man in regular work to dig, though if he called in the assistance of a plough he could manage more ; but where the land was dug the yield was invariably greater than when ploughed, and the average produce per acre 25 per cent. in excess of that of neighbouring farms, 50 bushels of wheat and beans per acre being not uncommon. Most of the produce of the allotments under consideration was for home consumption, so that the tenants avoided the extortion of the middle man,[1] and at the then price of wheat their home-baked bread from their own flour cost $2\frac{3}{4}d.$ a quartern loaf, the bran paying for the milling.

[1] The following are some of the profits of the middleman according to Mr. C. Turnor (*Land Problems*, p. 202) : milk, 100–120 per cent. ; meat, 22 per cent. ; bread, 54 per cent. ; vegetables, 100–130 per cent. ; fruit, 100–150 per cent.

As for the profit,[1] it was calculated that the average return to labour on an allotment was 3*s.* 4*d.* per day, whereas the average wages of the district was 2*s.* per day, and, in addition, there was the profit on pigs and perhaps on poultry and bees.

It will be admitted that the above account is a strong argument in favour of the allotment system.

[1] In Oxfordshire in 1914 the total net return on an acre allotment worked by hand in spare time, including profit from pig, was estimated at 3*s.* 5*d.* per week (Ashby, *Small Holdings in Oxfordshire*, p. 71).

# CHAPTER XXI

## REDISTRIBUTION AND REPLACEMENT (*continued*)

### THE SMALL HOLDINGS ACT OF 1892.—THE COMMITTEE OF 1906.—THE ACT OF 1908.

In the meantime the question of small holdings had been referred to a Parliamentary Committee, mainly through the strenuous endeavours of Mr. Jesse Collings, and in 1890 a Report [1] was issued which, though eminently instructive, unfortunately did not distinguish between owners and occupiers.

The committee was struck by the almost unanimous testimony of the witnesses examined in favour of small holdings, and thought that the prospect of improvement for the thrifty and industrious labourer was a matter of the highest national and social importance, and was the chief remedy for checking the townward movement by giving the labourer that chance of rising in the world which he had largely lost by enclosure and consolidation.

There was a general willingness on the part of landowners to provide small holdings, but the difficulty of providing suitable buildings was almost insuperable under present conditions.

The demand for holdings of this nature appeared general in all parts of England and Wales,[2] but not in Scotland, and was chiefly for leaseholds, not freeholds, owing to the difficulty of finding the purchase money and of obtaining suitable parcels of land; but if loans were provided many would buy, though many would always prefer the comparative freedom of a tenancy.

As regards the diminution in the number of small holders, the committee said there were no trustworthy statistics in

[1] *Parliamentary Papers, Eng.*, 1890, xvii. 183. [2] *Report*, p. v.

existence for various periods,[1] and it was therefore a matter of opinion, the committee thinking that there had been a considerable reduction in the number of agricultural small holdings, this inference being supported by the number of farm-houses formerly inhabited in connexion with small holdings and now applied to other uses.

On the other hand, the return of the owners of land of 1872–6 stated that a new class of small owners had sprung up who, dwelling near towns or railway stations, had purchased small freeholds, but these were not purely agricultural, and nearly always cultivated in connexion with some other calling.[2]

In the case of the old agricultural small freeholders, who included the smaller yeoman, the high prices given for land in the good times previous to 1875 by capitalists and large owners had been irresistible, and many had sold and embarked in trades or professions; thus the class, already decreasing from the effects of enclosure and the rage for the large farm, was still further diminished.

And, further, the process of selling was forcibly compared to a man passing through a gate which closed after him so that he could not re-enter. When once he had sold there was little chance of his getting back to the land, for there was small prospect of his being able to buy a small farm. We have seen, however, that there was a considerable number of small holders in 1886.

The views of landowners on the advantages of the consolidation of farms, which had held the field until the period of the agricultural depression beginning about 1875, were now greatly modified, and many were reverting to small holdings where practicable, but usually the building question stood in the way.[3] They could borrow money from the land improvement companies, but the rate of interest and

[1] Apparently ignoring the figures of Gregory King and of the Return of 1886 above quoted.

[2] This again was counteracted by another tendency. The census returns for 1871 showed that in the 20 years from 1851 the area occupied by towns had increased by 489,000 acres, obliterating many small holdings.

[3] *Report*, p. vi.

the terms of repayment were beyond any payment they were likely to get from their tenants. As for existing facilities for the creation of small holdings, the committee found that there were none of any extent, either in the way of voluntary effort or legislative provision.[1]

If a class of small proprietors were to be created, it was recommended that occupiers should be assisted by loans on reasonable terms to become owners of their holdings ; and ownership was advised in preference to tenancy (except in the case of very small holdings) in the interest of the ratepayers, for if the local authority were to let the land and undertake all the risks of a landlord it was hardly possible to avoid loss—wholesome advice to which it would have been well if the framers of the Act of 1908 had listened. Ownership also lessened the difficulty about buildings, for an owner of a small holding would put up what he required gradually and economically, and there would be no question of compensation on the expiration of the tenancy.

It was urged that the creation of small holdings should be carried out by local authorities and not by the State, because the State cannot administer such a transaction without an expensive staff of officials ; nor would the State have the necessary local knowledge.

As for powers of compulsory purchase, the committee resolved not to recommend them as they were convinced enough land could be acquired by agreement, and it was not desirable to alarm landowners.

We may conclude our analysis of the Report by quoting the opinion of witnesses that small holdings carry, in proportion, a larger amount of all stock, except sheep, than large ones, and the evidence showed that the holder generally paid his way and improved his position : where he did not it was due to the bad quality and position of the land.

The result of the labours of this committee was the Small Holdings Act of 1892 (55 & 56 Vic., c. 31) which gave power to county councils to acquire land for small holdings by purchase or lease, but not compulsorily, which they might

[1] *Ibid.*, p. ix.

sell or let, and the term ' small holding ' under the Act was to mean land exceeding 1 acre and not exceeding 50 acres, or if exceeding 50 acres not to exceed the annual value of £50.

In case of purchase the holding was to come within these limits, but where persons were unable to purchase or where the land had been hired by the Council, the Council could let it where the size of the holding did not exceed 15 acres, or if exceeding 15 acres was of an annual value not exceeding £15.

If the small holding was purchased by the occupier one-fifth of the purchase money was to be paid on completion, and the rest secured by a charge on the holding to be repaid with interest in 50 years.

It cannot be said that the Act was a success. From the date of its becoming law until December 31, 1907, it had only been utilized in nine counties, with the following results : [1]

| *Area purchased.* | *Price.* | *Area leased.* | *Total area acquired.* | *No. of holdings sold.* | *No. of holdings let.* |
|---|---|---|---|---|---|
| Acres. | £ | Acres. | Acres. | | |
| 716¾ | 34,549 | 164¾ | 881½ | 59 | 185 |

In the few cases where the Act was applied the results have been good, as at Catshill in Worcestershire, but the county councils found it very difficult to get land even when they were desirous of doing so, for they had no compulsory powers and few of them were anxious to take advantage of the Act as the provision of small holdings and allotments was optional. The failure of the Act was also due to the purchaser having to provide one-fifth of the price of the land, to the high annual instalments, and to the lack of credit and co-operation which were even then practically unknown among English farms although they had made great strides on the Continent.

There indeed, wherever small holdings have been developed, reform or rural education has always preceded the movement, and the creation of credit banks and co-operative

[1] *Report of Board of Agriculture*, 1908 (Cd. 4846), p. 26.

societies have gone hand in hand with the placing of people on the land.

Another obstacle in the way of purchasers is the cost of the transfer of land, which should have been simplified before the introduction of any Small Holdings Acts. On the contrary, by the Budget of 1909, it has been made more difficult with the avowed object of preventing purchase and so encouraging the nationalization of the land.

Let us return once more to the question of allotments. We have seen that the Act of 1887 was a failure, but in 1894 the Local Government Act (56 & 57 Vic., c. 73) was at last thought to have placed the system on a satisfactory basis by giving the newly elected parish councils power to hire land for allotments, and if unable to do so by agreement to represent the case to the County Council who might make an order authorizing the Parish Council to hire land compulsorily for allotments, for a period not less than 14 nor more than 35 years, but if the land was hired compulsorily no one tenant could lease more than 4 acres of pasture or 1 acre of arable and 3 of pasture.

The results of the working of this Act are shown by two parliamentary returns—(*a*) No. 17 of 1898,[1] and (*b*) No. 182 of 1903.[2]

(*a*) Shows that the total acreage of land acquired by local authorities for allotments between December 27, 1894, and June 24, 1897, was 14,818 let to 32,663 tenants, and by far the greater part of this was hired by agreement by the parish councils ; there were only 24 cases of purchase by agreement, and six of compulsory hiring.

(*b*) Shows that between June 24, 1897, and March 31, 1902, land had been acquired by local authorities as under :

| *Purchase by agreement.* | *Compulsory hiring.* | *Hiring by agreement.* | *Total acreage.* | *No. of tenants.* |
|---|---|---|---|---|
| a. r. p. | a. r. p. | a. r. p. | a. r. p. | |
| 289 2 12 | 206 2 36 | 3,287 0 32 | 3,783 2 0 | 12,730 |

[1] *Accounts and Papers*, 1898, p. lxxviii. [2] *Ibid.*, 1903, p. lix.

Thus, up to March 31, 1902, a total acreage of 18,601 had been let in allotments under the Act.

It appears, then, that the legislation with regard to allotments and small holdings had so far been a failure. Professor Hasbach said 'the Acts have borne little fruit',[1] and still further legislation was required.

In 1906 a departmental committee of the Board of Agriculture reported in favour of the extension of small holdings preferably in the direction of ownership, and recommended that the deposit to be paid by a purchaser should be reduced from one-fifth to one-eighth; but then came a change of Government and in the new ministry were men opposed to ownership, to whom was due the Small Holdings and Allotment Act of 1907, the chief features of which were :

The appointment of small holdings commissioners.

Power, if a county council failed in the duties imposed upon it in the matter of small holdings and allotments, for the Board of Agriculture to undertake, through the commissioners, such duties in lieu of the defaulting council.

Full compulsory powers for acquiring small holdings as well as allotments.

A grant of money from the Treasury.

The Act of 1907 remained in force precisely twelve months, when it gave place to the Small Holdings and Allotments Act of 1908 (8 Edw. VII, c. 36) which consolidated and repealed the Act of 1907 together with the existing parts of earlier Acts mentioned above.

It has been noticed that the Act encourages tenancy rather than ownership, and therefore does not aim at the re-establishment of the peasant proprietor whose loss has been lamented by so many land reformers, and shows a decided leaning towards land nationalization, for it is easy to extend the principle of leasing land by the county council to leasing by the State.

The warning, too, of the Small Holdings Committee of 1890 against the county councils assuming all the risks of

[1] *Op. cit.*, p. 354.

landlordship has been ignored, and the results may in some cases prove very disastrous to ratepayers.

The reports issued annually on the working of the Act by the Board of Agriculture do not disclose that hostility to the Act which is generally attributed to landowners, who, though naturally irritated by the compulsory seizure of their land, have voluntarily provided, according to the latest returns,[1] about 47,500 acres for small holdings, while they have in most localities voluntarily satisfied the demand for allotments.[2]

One result of the Act has been to take land away from the bona fide agriculturist, the farmer, and hand it over to what may be called the village tradesman class who already had industries of their own. Whether this is beneficial to the community is very doubtful. On the other hand, it has kept a large number of agricultural labourers on the land and provided them with the much desired ladder of progress. The natural demand (that is the demand not stimulated by legislation) at present, as shown by the agricultural returns for the last quarter of a century, is for the small farm of about 120 acres, so that it is difficult to say whether the artificial creation of small holdings will stand the test of time.

One thing the Act has not done is to attract any considerable number of the masses from our towns back to the land as small holders; hardly any of such people have applied for small holdings, from which we may assume that they prefer the town to the country.

[1] Cd. 7851 (1915).

[2] In 1915 there were in Oxfordshire 321 groups of allotments, held as under:

| | | | |
|---|---|---|---|
| Under private owners | 163 | Under charity trustees | 21 |
| „ clergy | 36 | „ parish councils | 37 |
| „ institutions | 27 | „ other public authorities | 15 |
| „ mutual aid societies | 7 | „ farmers (sub-letting) | 3 |
| „ allotment wardens and trustees | 12 | | 321 |

In several places allotments have reverted to the farms: at Lower Heyford the Poors Land is all let to one tenant; at Lewknor 50 acres have been reincorporated in the farm whence they came (see Ashby, *Allotments in Oxfordshire*, pp. 28 and 41).

The latest figures available concerning the working of the Act are those of 1915,[1] since acquisition of land by purchase was stopped during the War owing to the necessity of husbanding the national resources.

These state that the total quantity of land acquired for small holdings up to December 31, 1914, was 198,288 acres, of which 139,478 acres had been purchased for £4,601,692 and 58,810 acres leased for £74,186 a year.

Including 47,500 acres provided by landowners directly to 3,580 applicants, the Act had provided small holdings for 18,486 applicants in the first seven years of its operation.

From the above figures it is evident that local authorities are becoming landlords on a large scale ; and the intention of the framers of the Act to discourage ownership has succeeded, for only about 2 per cent. of the small holders have purchased their holdings since the Act came into operation.

The average price of the land purchased for small holdings has been £32 17*s.* 4*d.* an acre, and the average rent of the land leased, £1 5*s.* 0*d.* an acre ; the average size of the holdings provided is in England 13 acres, and in Wales, where the land is poorer, 30 acres.

The greater part of the land has been obtained without putting into force the compulsory powers given by the Act, there having been, up to the end of 1914, 187 orders for the compulsory purchase of 20,830 acres, and 304 orders for the compulsory hiring of 14,779 acres, but doubtless the fact of compulsion being in the background has often affected acquisition by agreement.

By 1913 the demand for self-supporting holdings from men prepared to move to any part of the county had been almost entirely satisfied, and the Councils had to find land for men who desired it close to their homes, which was obviously a slow and difficult task.[2]

Turning to allotments, the total quantity of land let for that purpose up to December 31, 1914, by the various local authorities in England and Wales, who had sent in

[1] Cd. 7851 and Cd. 7892 (1915). [2] Cd. 7328.5.

returns, was 33,523 acres, of which 8,556 acres were the property of the councils, and 24,967 acres were leased, and this land was let to 130,526 individual tenants and 52 associations.

In rural parishes, says the Report, ' it is usually possible to obtain allotments direct from private landowners ' and a very large number have thus been obtained, but no statistics of these are apparently forthcoming.

Since many allotments are of necessity nearer to towns and villages than small holdings, the price of them is considerably higher than that of the latter, the average price of the land purchased in 1914 being £88 an acre and the average rent of the land leased, £2 2*s*. 4*d*. an acre.

Compulsory purchase and hiring orders were only necessary in a small number of cases.

The figures just quoted show that under the Small Holdings and Allotments Act of 1908, and indirectly through its influence, a very large addition has been made to the number of people who have an interest in the land ; nor must the great quantity of allotments created during the War be forgotten, while in addition we have the proposed settlement of many soldiers on the land and the break up of many estates, so that the reproach of the ' landlessness ' of Englishmen is, in a measure at all events, being removed.[1]

[1] It was stated by the Report of the Land Inquiry Committee of 1913, that ' only about two-thirds of all the villages in England and Wales have any allotments '. But this statement, like many made by this unofficial body, was not supported by any proof. Even if it was true, it was due to the fact that the labourer prefers a garden attached to his cottage and often gets it, so that he does not need an allotment. A very large number of allotments have been given up, very often because the improved position of the labourer makes him disinclined to be always at work.

## CHAPTER XXII

### HAVE SMALL HOLDINGS BEEN A SUCCESS IN THE PAST?

That allotments are beneficial is, in spite of some criticism, generally admitted, but the old contest as to the respective merits of large and small holdings still rages. Much of the best modern opinion asserts that economically small holdings are a failure, that while more produce can be grown per acre on a small than on a large holding, the return per unit of human energy expended is greater on the latter. Morally and socially they are good for the individual and the nation in their proper proportion to holdings of other sizes, but it is probably the financial test that will determine their adoption on any large scale.

What, therefore, has past experience to say in answer to this question? And the answer seems to be that, given natural advantages, i. e. soil, climate, proximity to markets, they are a success. Where these natural advantages exist ancient small holdings have survived, and new ones have been created, e. g. at Axholme, Boston, Wensleydale, Evesham, Wisbech, &c.

Another natural advantage is the proximity of common pasture to the small holdings, as in the New Forest.

If these advantages are not present it appears necessary for the small holder to have some other source of earning money besides his land, that is to say, he must have another industry or go out from time to time and work for wages.

The villein with his virgate of 30 acres or thereabouts was the small holder of the Middle Ages, and he may be said to have largely paid his rent by working on his lord's demesne.

Ont he break up of the manorial system the small freeholder, copyholder, or leaseholder, had his rights of common and his domestic industry, such as spinning or weaving, to eke out his scanty earnings, and it is a commonplace of

agricultural history that the loss of these helped to cause his disappearance.

History, indeed, seems to teach us that the small holder in England must have other means of support besides his holding, except in the specially favourable localities.

Small holdings schemes with every other advantage than those just mentioned have failed hopelessly. Let us take one of many instances, that on the Stratton estate in Hampshire,[1] started by Sir Francis Baring in 1849 with the expressed intention of affording the labourer the means of rising to be a tenant farmer.

Fifteen applicants were given 14¼ acres each, and of these seven were labourers and eight village tradesmen.

The labourers immediately began to disappear, and by 1887 were all gone.

In 1894 there were four men renting the whole of the 214 acres originally set out, viz. a publican, a blacksmith, a baker, and a carrier.

Yet the original tenants all started with everything that a generous landlord could grant in their favour.

The men who survived were those who had by-industries.

Why, it may be asked, should the small holder have succeeded in the days of Gregory King, when he was the boast of England, better than he does to-day? Is not the answer partly to be found in the fact that their industry was generally carried on in a small way on primitive lines, and the management of agriculture was on a par with that of other industries, and therefore the small farmer fared equally well with other industrialists?

To-day industry is complex and highly organized, but many English farmers, and especially small farmers, have lagged behind in adopting modern business methods and are therefore beaten in the race.[2] In a world where organization

[1] *R. A. S. E. Journ.*, 1894, p. 90.

[2] The division of labour is more applicable to manufactures than to agriculture, in consequence of which the latter relatively lags behind in the course of economic development (Ingram, *History of Political Economy*, p. 94).

tells more and more the unorganized must go to the wall.

Those who recommend co-operation and credit banks, and point to the example of Denmark, appear to be in the right.

Yet there is the incontestable fact that 65 per cent. of the agricultural holdings in England to-day are of 50 acres or under, and a very large number more are only a few acres bigger and must therefore be called small holdings.

And most of these holders have got on in spite of the absence of natural advantages and the disappearance of the domestic industry.

There are, unfortunately, no statistics as to how many of these men have other means of livelihood besides their land, and how many depend on the land entirely, but there must be a number of the latter.

And they have usually maintained their position without the help of co-operation and modern organization, which are yet only in their infancy in England.

An inquiry was made by the various county councils at the request of the Board of Agriculture in 1918 concerning the success of small holders under the Small Holdings Act of 1908, and the preponderance of answers was decidedly favourable.[1]

Unfortunately, the village tradesman class who have taken two-thirds of the holdings under the Act, were not separated from the agricultural labourers who have taken the remaining one-third, and are small holders pure and simple.[2] The inquiry, therefore, does not give a clear answer to the question if small holdings pay.

We want to know the proportion of failures in each of these two classes. If the failures were most numerous in the latter class it is further evidence against the small holding *per se*.

[1] The Act has been fortunate in the period of its operation, for since it was passed prices have steadily risen. No true opinion can be formed of the ultimate economic value of the Act until it has passed the test of a period of depression.

[2] Cd. 9203. For an example of a small holding scheme not paying its way, bringing heavy loss on ratepayers and taxpayers, in Yorkshire, see *Facts about Land* (John Murray), p. 163.

The evidence given before the Royal Commission on Agriculture of 1894–7[1] on this matter was somewhat conflicting, but on the whole the balance of opinion seemed to be that small holders only succeed where their occupation is combined with some other industry. Mr. C. S. Read, one of the foremost agriculturists of the day, said that the only way by which the small holder in arable districts could succeed was by doing the work of two labourers and living at the expense of one, or having some other trade or some grass land in addition. Sir John Lawes did not think he would succeed to any extent in England, though small holdings were often good for the labourer.

It is said that small holdings unfit men for the management of larger farms, but this may well be doubted. The management of small shops does not unfit the Whiteleys of trade for the management of large businesses.

As to the efficacy of small holdings as rungs in the ladder of agricultural progress, two examples, out of many, may be given.

In the parish of Friskney, Lincs., a purely agricultural village with a population of 1,300, out of 145 ratepayers solely engaged in agriculture in 1905, 70 (that is, nearly one-half) were men who started as agricultural labourers and at that date owned or rented small holdings. The two largest farmers in the parish, one of them now farming over 2,000 acres, began work at 4*d.* a day, and have worked their own way up.[2] And it is said that 75 per cent. of the Evesham holders started as labourers.[3]

With regard to the question whether the man from the town with no experience of agriculture is a successful small holder, Mrs. Wilkins (Miss Jebb), in her well-known book on the subject, gives many examples where he has failed, especially where he is a foreigner or one not born in the neighbourhood, his place being soon taken by the local agriculturist.

Though at Catshill, in Worcestershire, the successful

[1] *Parliamentary Reports*, 1897, xv. 131.

[2] Jebb, *Small Holdings*, p. 32.

[3] *Ibid.*, p. 57.

colony of small holders under the Act of 1892 was composed of nailers by profession, but local men; the failure of men strange to the work and the locality is only to be expected. Agriculture seems to be the only industry which many people think can be carried on by those who know nothing about it.

The comparatively simple management of an allotment, however, can generally be mastered by men of very little agricultural knowledge.

It is well known that one of the main obstacles to the creation of small holdings is the cost of house and buildings, and the smaller the holding the greater is the relative cost. On this point some interesting evidence was given before the Royal Commission on Agriculture of 1894–7 by Mr. M. G. Muirhead, agent for the Earl of Aberdeen, who derived his experience from the management of 50,000 acres.

In the case of holdings of from 1 to 5 acres it took 42 years rental at 17*s.* per acre to provide the house and necessary buildings.

On a 10-acre holding, $22\frac{7}{12}$ years' rent at the same rent.

On a 20-acre holding, $17\frac{7}{12}$ years' rent.

On a 50-acre holding, 12 years' rent.

On a 100-acre holding, $8\frac{3}{12}$ years' rent.

On a 300-acre holding, 6 years' rent.

And it must be remembered that since then the cost of building has nearly trebled.

No one will deny that two of the best authorities on all matters agricultural in England at the latter part of the nineteenth century were Sir John Lawes and Professor J. H. Gilbert. In an article in the *Journal of the Royal Agricultural Society* for 1892 they give their opinion as to the merits of small holdings.

Speaking of the outlay, they assume that the purchase of 50 acres of land will cost £30 per acre, or £1,500. A house, stable for two horses, cowhouse, some open shedding, a walled-in yard, necessary roads and fencing, and, by way of stocking the farm, a pair of horses, one or two cows, a few sheep and pigs, and the requisite implements would cost not

less than £700 or £800 ; in all about £2,250, and this amount to-day would be more than doubled by increased prices.

Again, a farmer does not begin at once to earn his living. If he enters on a farm at Michaelmas he has to have the means of supporting himself and his stock until next Michaelmas which, at 35*s.* a week (in 1892) would amount to £91.

Then there are rates and taxes, the whole outlay, indeed, amounting to a sum which few men of the class desirous to take small holdings can command.

Further, these two men of great experience said, in most Continental countries the success of small holdings depends on what may be called industrial crops, such as tobacco, hops, sugar-beet, colza, flax, hemp, grapes, fruit, and vegetables. When these conditions do not exist and ordinary rotation crops are relied on, the condition of the cultivators is such as would not be tolerated in England. If small holdings are to be established in England to any considerable extent, success must be looked for, not in ordinary rotation farming, but in an extension of dairy farming where soil and climate are suitable, in an increased production of poultry and eggs, and where the soil and climate are suitable, on what is really market gardening rather than agriculture.

So far, however, as fruit and vegetables are concerned, it is to be borne in mind that the high value of the imports of these articles depends largely on earliness and quality, in which particulars it is only in a few limited districts that we can hope successfully to compete with the countries that now supply us with such produce.

These well-informed authorities conclude by saying: 'It follows from the facts adduced that there is little hope that a system of small holdings can ever be carried out in this country to anything like the extent which experience has shown to be practicable in the countries that are so frequently held up to us as models.

Indeed, no one who looks carefully into the facts can entertain any hope that the system of small holdings can be carried out to any such extent as to counteract at all

materially the flow of the rising rural population into the towns.'

It cannot be said that the opinions above quoted are very hopeful, but it may be asked why should not the Englishman succeed if the Frenchman does. To which we may answer so he can if he will do as the Frenchman does : work hard, live hard, and save hard ; there is no other way to success for the small holder.

### The Breaking up of the Great Estates

In the last few years a transfer of English land has taken place, and is still proceeding, which probably surpasses in extent any that has occurred since the Norman Conquest. Vast areas changed hands during the Wars of the Roses, by Tudor fines and confiscations, after the Dissolution of the Monasteries,[1] and during the Commonwealth, but it may be doubted if these changes were as great as that which is being effected by the break up of the big estates, so long the chief feature in English land holding, by which about 13,000,000 acres, or nearly half the cultivated area of England and Wales, is estimated to have changed hands in the ten years ending midsummer 1919.[2]

This modern movement differs from those that preceded it in that, under them, the land remained, after exchange, in the hands of the same class—the landlord class—whereas to-day most[3] of the land sold is bought by the sitting tenants, though some of the large estates are passing undivided to the 'new gentry' who have made money in trade—a process that has been going on since the end of the feudal system.

Thus the movement of the eighteenth and nineteenth

[1] It is said that the monasteries owned one-sixth of England, but this estimate includes not only freeholds but all lands in which the monasteries were interested, e. g. lands of which they only owned the tithes.

[2] From an estimate furnished by the Estate Exchange in July 1919.

[3] The Estate Exchange state that in the sales of agricultural land in 1919 about 75 per cent. is being purchased by the tenants.

centuries is being reversed, and the small owner is taking the place of the large.

Why are these owners parting with properties which they have often owned for generations, and only relinquish with great reluctance? There are several causes: the crushing weight of taxation, greatly increased by the War; the expense of upkeep (the cost of repairs and building having nearly trebled in the last few years); the increase in the rate of interest on charges on the land; the constant interference with its management by the State; and the threat of further taxation.

Yet many of the purchasers, both large and small, are keen business men who evidently think that, in spite of the above drawbacks, agricultural land holding will be a paying investment, and apparently pin their faith on the scientific development of agriculture, the expressed determination of the Government to assist it and make England more able to feed herself, and the development of transport.

At all events, the tenants who are buying their farms ought to know the value of the land they have cultivated for years, though in many instances it is a case of 'buy or quit', and they prefer to remain as they have often no chance of pursuing their business elsewhere.

They apparently perceive that the land has great possibilities, and as owners they will be able to take full advantage of them. Yet it cannot be said that the tenant farmer, since the Agricultural Holdings Act of 1908, has been subject to many restrictions, and the new owners will perhaps be surprised at the cost of repairs, while tithes and taxes will press heavily.

It is, however, a change in the right direction. Land reformers have, for years, been asking for the break up and distribution of the large estates, and the future of the new owners will be watched with interest.

For another tendency is at work in precisely the opposite direction, viz. the gathering of land into the possession of various public bodies; and so the dead hand is again being laid on English soil.

The Ecclesiastical Commissioners are very large landowners, though unfortunately the acreage they own is not published, and there are also the extensive glebe lands of the Church of England. The Charity Commissioners are great landlords, and much land is owned by educational bodies. It cannot be said that land thus held is freely alienable : it is saleable, but not ' on the market ', for the dead hand does not easily relinquish its grasp.

Then there is the land permanently withdrawn from the market by railway companies and other great public undertakings ; the land held, as we have seen, under the Small Holdings Act of 1908 ; and under various recent statutes such as the Local Government Act of 1894.

Municipalities and other local authorities are large buyers of land for many purposes which are constantly multiplying, and thus land is passing into the possession of public corporations who will never give it up ; so that, without any formal scheme of nationalization, we seem, in spite of the recent creation of a number of small owners, to be approaching a time when the private ownership of land will be the exception rather than the rule.

# APPENDIX I

## A PETITION FOR ENCLOSURE. SANDY, BEDS., NOVEMBER 20, 1797

A PETITION of the several persons whose names are thereunto subscribed, being proprietors of, or otherwise interested in, divers uninclosed lands and hereditaments in the parish of Sandy in the county of Bedford, was presented to the House, and read. Setting forth, that there are within the said parish several open and common fields, meadows, pastures, waste lands, and other commonable lands and grounds, which lie inconveniently dispersed and intermixed, and in their present situation are incapable of improvement; and that it would be greatly to the advantage of the petitioners, and the other proprietors, if the said open and common fields, &c., were divided and inclosed, and specific shares thereof set out and allotted to the several persons interested therein, according to the value of their respective properties, rights, and interests. And therefore praying that leave may be given to bring in a Bill for effectuating the several purposes aforesaid, in such manner as to the House may seem meet.[1]

## ANALYSIS OF AN ACT OF 1719

For enclosing Gratwood Heath, Staffordshire, containing 1,000 acres, part of the manor of Eccleshall.

Recites that the lord of the manor (the Bishop of Lichfield), the tenants of the manor, and all having rights of common had agreed to enclose.

Therefore, an Act was asked for to allot the common by commissioners among the tenants according to their respective tenements.

The Bishop to have one-sixth part of the said heath where he should think most convenient, in compensation for his loss of rent and privilege of free warren, which was to be enclosed at the cost of the other tenants.

All allotments were to be subject to the same estates as the land of the original proprietors in the common fields.

[1] *Journals of House of Commons*, liii. 88.

Leaseholders to have equal allotments with freeholders and copyholders.[1]

Such cottagers on the heath as had a legal settlement within the parish at the date of the Act to be granted leases of their cottages, and the enclosures belonging thereto, the leases to be for life, or three lives.

But cottagers possessed of cottages and enclosures who had no legal settlement were to see their cottages and enclosure allotted to the bishop.[2]

Reservation to the lord of the manor of manorial rights including all mines.

Reservation of one stone quarry for the fences and buildings of all the parties interested.

Provision for setting out roads.

## ACT OF 1736

For enclosing the common fields of Inkpen, Berkshire ; opens with the list of proprietors given above (p. 153) who had agreed, by a deed poll dated 1733, to enclose the said fields.

The Act recites the deed which states that, in order that equal justice may be done to all, they appointed three ' referrees ', one of whom was a gentleman, and the other two yeomen, who were to take the assistance of two surveyors in surveying the lands to be enclosed, and allotting their respective shares among the parties of the deed poll.[3]

They were also to lay out and allot all common ponds, ways, and passages in the said fields, and the hedging and fencing.

All parties agree that the costs of surveying, allotting, and enclosing the said common fields shall be borne by the said parties proportionably according to the quantities and qualities of their respective lands.

The allotted lands shall stand seised to the same uses and the same estates and be subject to the same limitations and incumbrances as the lands which the allottees respectively hold in the common fields.

Next the award, another deed poll executed in 1736, is

[1] This must mean that lessees were for the remainder of their leases only to enjoy the allotments made in lieu of their common rights.

[2] This apparently refers to squatters who had encroached.

[3] The articles of agreement for enclosing Huttons Ambo, Yorkshire, drawn up in 1709, under which an award was made in 1712, were not confirmed by Act until 1805.

recited, which states that the surveyors had measured and computed the holdings of the several parties in the common fields ; well considering the quantities, qualities, and goodness of each, and it allots the land accordingly.

Then follow the allotments, beginning with Lord Craven down to the smallest proprietor, the sizes of which allotments are to be noticed as showing the number of small holders, chiefly freeholders :

| | | | |
|---|---|---|---|
| Lord Craven | 130 acres | A leaseholder | 2 acres |
| A freeholder | 30½ „ | A freeholder | 6 „ |
| „ | 63 „ | „ | 12½ „ |
| „ | 218 „ | „ | 7 „ |
| „ | 54 „ | „ | 5 „ |
| „ | 91 „ | „ | 20 „ |
| „ | 43 „ | A leaseholder | 3¾ „ |
| „ | 44 „ | A copyholder | 3 roods |
| „ | 15 „ | A leaseholder | 4½ acres |
| „ | 5½ „ | A copyholder | 21 „ |
| „ | 2 „ | A leaseholder | 4½ „ |
| „ | 34 „ | A copyholder | 3 roods |
| A leaseholder [1] | 7 „ | „ | 3¾ acres |
| A freeholder | 16 „ | A freeholder | 1½ „ |
| „ | 3 „ | Rector, in lieu of glebe | 7½ „ |
| „ | 7½ „ | Churchwardens | 1¾ „ |

Next follows the setting forth of the roads.

Having recited these two deeds the Act states that the enclosure having been effected to the great benefit of all the parties thereto, yet, as neither the agreement or the award could be made absolutely valid and effectual without an Act of Parliament, an Act was asked for to confirm the same.

## APPENDIX II

### ANALYSIS OF AN ACT OF 1763

For enclosing the common fields, meadows, and commons in Sutton, Yorkshire, containing in all 4,236 acres.

The inconvenience of the present system is, as usual, alleged and an Act therefore desired.

Five commissioners are appointed, all described as ' gentlemen '. Two surveyors are appointed by the Act.[2]

[1] The freeholder of 34 acres and the leaseholder of 7 acres are one and the same.

[2] It is to be noticed that neither commissioners nor surveyors take an oath as to the impartial performance of their work, as soon after became the custom.

One-eighth part of the open fields, meadows, and commons are assigned to the tithe owner in lieu of tithe.

Allotments are to be binding on all parties.

Power given to respective owners to exchange lands for convenience. Any dispute arising between the parties to be determined by the commissioners, such determination to be final; but no exception in questions of title, as was afterwards customary, is here mentioned.

Provision for setting out roads.

Award to be made within twelve months of allotment.

A pound rate to be raised on all occupiers in proportion for making and maintaining bridges, causeways, drains, &c.

This would be much more convenient, especially for the small proprietor, than the raising of a lump sum.

All fences to be made within twelve months after the award.

Lessees at rack rents were, after allotment, to hold such lands, as should be allotted in lieu of their former holdings,[1] for their unexpired terms on paying such advanced rent for the same as the commissioners should determine.

All expenses to be borne by the proprietors in equal proportion.

Proprietors to be allowed to borrow money on their allotments to pay the expenses of enclosing.

If any person refused to accept and enclose his allotment the commissioners were to do it and mortgage the land for so doing.

All lands were to be kept in their present course of husbandry till execution of the award.

Notice of all meetings of commissioners to be given in the parish church, and fixed on the door fourteen days before each meeting.

Land was allotted for gravel for highways.

Reservation of all rights to the lords of the manor except rights of common and interest in the soil; but there is no mention of any allotment to them in lieu of these latter as was usually the case.

[1] This is not according to the custom that became prevalent of avoiding all leases at rack rents by the Act, though this was not universal.

# APPENDIX III

## ANALYSIS OF AN ACT OF 1795

For dividing and enclosing common fields, meadows, pastures, and downs, and all the commonable and waste lands, in the manor and parish of Cold Aston, Gloucestershire.

Area, 1,600 acres common fields and commons.

253 acres old enclosed meadow, pasture, arable, coppice, and woodland, together with gardens and homestalls.

There was one lord of the manor, a lay impropriator, and a vicar, with divers other owners.

The proprietors were desirous of enclosure because the lands lay intermixed and dispersed in small parcels and were therefore inconvenient to cultivate and incapable of any improvement.

Three commissioners were appointed, described as 'gentlemen', for the purpose 'of dividing, setting out, and allotting the said lands', at a fee of two guineas a day each inclusive of all expenses.

Solemn oath by the commissioners to act without favour or prejudice to any party whomsoever.

Notice of the meetings of the commissioners to be given in the Gloucester Journal and fixed on the door of the parish church.

Surveyor appointed, a land surveyor of Shipston on Stour, who took a solemn oath to survey and measure faithfully, honestly, and impartially.

All claims to be laid before the commissioners at their first or second meeting, and if any dispute shall arise between any of the parties interested in the said lands, the decision of the commissioners thereon shall be final except in the matter of title.

Before any allotment was made, public and private roads were to be staked out. No person was to erect any gate across any of the said public roads, or plant any trees in the hedges on the sides of such roads at a less distance from each other than 50 yards.

Lands not exceeding four acres to be set out for stone or gravel pits in trust for all the proprietors, as well as for making and repairing the public roads.

Allotment to the lord of the manor in lieu of his right to the soil and other manorial rights, and of so much of the land to be enclosed as the commissioners shall think reasonable.[1]

[1] Cf. p. 162 above.

As fuel was scarce, and the poor had no wood or furze, lands bearing underwood or furze of the annual value of £15 at least was to be set out for them, and the said furze and wood distributed among the poor from time to time. This was a rare provision.

Allotment to the vicar in lieu of glebe and its attendant rights of common.

Allotment in lieu of rectorial and vicarial tithes, both on common fields and on ancient enclosures, of such parcels of land as shall equal in value one-fifth of all the arable land and one-ninth of all meadow and pasture ; but old enclosures might be charged in lieu of tithes with money or corn rents, which was a very usual method.[1]

As a rule old enclosures were not subject to allotments of land in lieu of tithe on enclosure of the parish, unless the owner of the ancient enclosure also possessed land in the open field.

The term 'ancient enclosure' in the Acts covered all enclosures (including encroachments) made 20 or 30 years or more before enclosure as defined by the Act.

The boundary fences of the lay impropriator and the vicar are to be made, and repaired for seven years by the other proprietors.[2]

The residue of the lands are to be allotted amongst the several proprietors of the open fields, meadows, pastures, and other commonable and waste lands in proportion to their respective lands, rights of common, and other rights and interests in and over the same.[3]

Allotments of less than 5 acres might be laid together on the request of the respective owners so as to save fencing.

All allotments were in full bar and satisfaction of former estates and right of common was for ever extinguished.[4]

[1] In the Elvaston Act, 1761, an annual sum of 1*s.* an acre, in lieu of tithe, was charged on ancient enclosures. In the Marfleet Act, 1763, a rent of £70 per annum was charged on ancient enclosures and common fields in lieu of tithe.

[2] Lands when allotted to any church, hospital, school, or other public use, were generally fenced by the other proprietors.

[3] Allotments, in the later Acts, might be delivered by the commissioners to the owners before the award was made, and such owners might forthwith lease, mortgage, sell, or otherwise dispose of the same.

[4] New allotments, as was often stated in the Acts, were to be subject to the same wills, settlements, jointures, charges, &c., as the old lands had been subject to, thus avoiding hopeless confusion.

For the convenience of farms and estates exchanges might be made.

From the passing of the Act until the award the Commissioners were to direct the course of husbandry in the open fields.[1]

All existing leases at rack rent of the lands to be enclosed to be void, the lessees receiving such compensation as the commissioners should think fit.

Where land allotted had trees, underwood, or bushes on it, the original owner (i. e. the owner before allotment) might come within one year after the allotment to fell, cut, and carry away the same, but boundary and subdivision fences were to be left.[2]

If any person neglected to fence his allotment within the time named by the commissioners (usually one year), such fences might be erected for him by any one complaining and the cost levied on the defaulter.

If any owners had more than their share of boundary fences, those who had less were to contribute to the expenses of the former.

As soon as possible after allotment the commissioners were to make the award which was to set forth the quantity of every allotment, its situation, and boundaries.

The commissioners to account in full for all their charges and expenses and lay the same before any two or more of the proprietors chosen by the major part in value of the proprietors.[3]

All the expenses of the enclosure were to be paid by the several proprietors as the commissioners should direct in proportion to their several allotments, and any one neglecting or refusing to pay his share was liable to be distrained upon.

Power to proprietors to borrow money on the land allotted them to defray the expenses, to an amount not exceeding 40*s.* an acre, to be secured by mortgages on the said allotments at the rate of 5 per cent.[4]

Any person aggrieved by anything done in pursuance of this Act (except when orders of the commissioners are

[1] In earlier Acts, instead of this there was often a direction that the lands should be kept in the same course of husbandry as they were at the passing of the Act until the award.

[2] If the original owners did not come and cut the timber, &c., the allottees paid them for the same according to the award of the commissioners.

[3] This was in accordance with the Standing Order of 1774.

[4] Sometimes the amount was £3 an acre.

directed to be final) might appeal to Quarter Sessions whose decision was to be final.

Saving to the lord of the manor of all seignories, royalties, services, chief and quit rents, courts, and their profits, rights, and privileges to the said manor belonging.

# APPENDIX IV

## ANALYSIS OF AN AWARD

Steeple Aston, Oxfordshire. 1767. Act passed in 1765.

This award is interesting in that it shows the amount of land held in the open fields by each proprietor before enclosure, which is not the case in most awards.

There were in this case two surveyors as to quantity, and one as to quality or value.

In all, 988 acres were dealt with.

| | |
|---|---|
| To the Rector for 12½ yardlands[1] of glebe were allotted. | 188½ acres |
| In lieu of tithe | 156½ „ |
| Also to the Rector in lieu of tithes from ancient enclosures | 10 „ |
| And to the Rector as owner of three yardlands | 77¾ „ |
| To the Rector of Wootten in lieu of tithes | 1 acre, 2 roods, 18 poles |

And some other small allotments.

Note the amount of land, which was deducted from the area to be enclosed, to be allotted in lieu of tithe. While freeing the owners from the annual payment it considerably diminished their respective allotments.

Then come the allotments to the various proprietors in the following order :

| | *a.* | *r.* | *p.* |
|---|---|---|---|
| Stephen Collier, in lieu of ' 1 yerd '[2] | 0 | 2 | 11 |
| Thomas Southam, in lieu of ' 3 yerd ' | 1 | 2 | 12 |
| Thomas Gregory, in lieu of ' 5 yerd ' | 2 | 0 | 1 |
| W. Southam, in lieu of ' 1 yerd ' | 0 | 2 | 14 |
| C. Perrott, in lieu of ' 1 yerd ' | 0 | 2 | 18 |
| T. Hinds, in lieu of ' ½ yerd ' | 0 | 1 | 17 |

[1] These yardlands must have been small, although quality had to be taken into account in allotting. In an Act for enclosing Lightborne, Warwickshire, in 1721, the yardlands were said to contain 65 acres each.

[2] ' Yerd ' or ' Yard ', a common term in Oxfordshire for the fourth part of a lot. An acre is usually a lot, but an acre or lot is sometimes three or four acres and the yard, therefore, from three-quarters to one acre. Normally, a yard (in this sense) meant a quarter of an acre because in common fields where the furlongs were 40 poles long the quarter acre was a pole or landyard across at the end (Wright, *Dialect Dictionary*).

| | *a.* | *r.* | *p.* |
|---|---|---|---|
| Sarah Wheate and Ann Wheate, in lieu of a certain piece of land whose area is not given | 0 | 0 | 4 |
| Sir C. Cottrell-Dormer, in lieu of $3\frac{3}{8}$ yardlands and 4 'odd lands', and commons thereto belonging | 63 | 1 | 29 |
| Do., in lieu of 'certain pieces of ground in a meadow' | 20 | 0 | 14 |
| Francis Page, in lieu of $\frac{1}{2}$ yardland, and commons thereto belonging | 8 | 3 | 38 |
| Do., in lieu of certain pieces of land | 2 | 1 | 11 |
| Jacob Watson, in lieu of $3\frac{1}{2}$ yardlands, and commons thereto belonging | 92 | 3 | 3 |
| Do., in lieu of $\frac{3}{4}$ yardland | 23 | 3 | 2 |
| John Clary, in lieu of $\frac{1}{8}$ yardland, and commons belonging | 3 | 1 | 4 |
| Robert George, in lieu of 1 yardland, and commons belonging | 21 | 3 | 21 |
| Lucy Buswell, in lieu of $4\frac{1}{2}$ yardland, and commons belonging | 84 | 1 | 6 |
| Judith Lamley, in lieu of $2\frac{1}{2}$ yardlands, and commons belonging | 56 | 3 | 26 |
| Joseph Hopcraft, in lieu of $\frac{1}{2}$ yardland, and common belonging | 12 | 2 | 16 |
| Richard Fox, in lieu of 1 yardland, and common belonging | 25 | 2 | 30 |
| Thos. Fox, in lieu of $\frac{1}{2}$ yardland and common | 8 | 2 | 25 |
| W. Wing, in lieu of $2\frac{5}{8}$ yardlands, and commons belonging | 50 | 1 | 0 |
| Do., in lieu of 1 yerd in 'the Wootten yerds' leasehold | 1 | 2 | 0 |
| Eliza Davis, in lieu of $2\frac{3}{4}$ yardlands, with commons belonging | 53 | 2 | 7 |
| John Davis, in lieu of $\frac{3}{4}$ yardland and common | 15 | 3 | 11 |
| John George, in lieu of a cottage and 'cow common within the said fields' | 1 | 0 | 23 |

In these allotments all hedges, ditches, and fences are included.

Then comes a description of the roads.

The total expenses of the Act and award (including sowing the fields with grass and turnips) amounted to £852 17*s.* 4*d.* and at the end of the award is a schedule of the respective contributions towards these expenses by the proprietors, from which it will be seen that some of the small owners escaped payment, and that the primary cost of enclosing was by no means heavy.

| | £ | *s.* | *d.* | | £ | *s.* | *d.* |
|---|---|---|---|---|---|---|---|
| Sir C. C. Dormer | 86 | 9 | 5 | Joseph Hopcraft | 10 | 2 | 2 |
| F. Page, Esq. | 11 | 14 | 8 | Richard Fox | 19 | 16 | 10 |
| Rev. Mr. Noel | 408 | 11 | 5 | T. Fox. | 5 | 6 | 9 |
| Jacob Watson | 83 | 16 | 10 | W. Wing | 39 | 19 | 0 |
| John Clary | 2 | 17 | 1 | Mrs. Davis | 39 | 2 | 6 |
| Robert George | 15 | 0 | 3 | John Davis | 12 | 17 | 5 |
| Lucy Buswell | 71 | 17 | 10 | John George | 0 | 17 | 8 |
| Judith Lamley | 44 | 7 | 6 | | | | |
| | | | | *Total* | £852 | 17 | 4 |

# APPENDIX V

## THE ENCLOSING OF GRUNTY FEN [1] (1861) IN THE ISLE OF ELY

This romantically named spot consisted fifty years ago of 1,350 acres of common land and swamp which was intercommonable of seven parishes; and the award is dated December 1861. The land was practically in a state of nature, and so affords a good example of the cost of bringing such land into a condition fit for modern farming. Much of the water, however, which formerly covered part of the fen had been drained off by the Earl of Bedford's operations, and in 1857 'the fen was covered in places with anthills, and in summer with thistles; the portion under Witchford was swampy and the abode of snipe'.

It was used for turning out stock and cutting turves for firing, and was therefore in much the same condition as most of the old commons which have had to be 'made' into agricultural land. 'No one seemed to know who had any legal rights on the fen, every one did what was right in his own mind on it. It was grazed to any amount, and people had in late years begun to dig it up and carry away the soil to the adjoining lands', a state of affairs which we may be sure was prevalent on many commons. It was a regular nuisance, and all those who had rights were quite willing it should be enclosed.

This is how it was 'made'.

Seven and three-quarter miles of public roads, 30 feet wide, metalled 12 feet wide, were made, which cost with the drains alongside them £6,286 11*s*. 2*d*., and the bridges and tunnels connected with them £424 3*s*. 8*d*. The valuer's bill was £1,080. Fencing and levelling recreation allotments cost £61 14*s*. 2*d*. Then there was a drainage tax of £100 a year for the passage of the water to the river Cam, equal at 3 per cent. to a capital sum of £3,300.

This amounts to £11,452 in all which, as 50 acres has to be deducted for roads and water-courses, is equal to a charge on 1,300 acres of £8 16*s*. 0*d*. an acre.

Fencing and levelling the ground is put down at the modest

[1] *Royal Agricultural Society, Eng., Journal*, 1899, p. 136.

cost of 24*s.* an acre, and under draining at £3, a very low estimate, or £13 an acre in all.

Such was the cost of making the land, entirely apart from the cultivation of it, in fact of making it ready for the plough, and omitting the erection of any buildings whatever.

## APPENDIX VI

### Additional Notes

P. 148. These figures are in themselves a refutation of the statement so often made, for political purposes, that 'by enclosure the poor were robbed of six million acres'. For it will be noticed that two-thirds of the area dealt with consisted of common fields; and these were owned by the same people after the fields were enclosed as they were before. There was no change of ownership on enclosure; but, as we have said elsewhere, the relatively great expense of enclosing small holdings, allied with other causes, led soon afterwards to the sale of many small properties. This, however, was not robbery. And as to the common or waste, a perusal of the Awards shows that the smallest legal claims were considered with careful minuteness.

Again, on questions of title, appeal was allowed to Quarter Sessions in the earlier Acts, and in the later at 'the next Assizes', or in 'the law courts', and it would be on questions of title that the most serious disputes would arise.

How many cases of this kind are recorded in the law courts?

P. 227. The lot of the English peasant was often the theme of eighteenth-century poets, and until about the last quarter of the century the picture was generally a bright one, and erred on the side of presenting his life as idyllic and artificial.

Thomson's labourers and shepherds are a happy and good-humoured race, dwelling in a land where

> 'From dale to dale
> Waking the breeze, resounds the blended voice
> Of happy labour, love and social glee.'

Shenstone's shepherds are 'cheerful and gay'. Gray's Elegy' sketches the calm and happy life of the 'rude forefathers of the hamlet'; the return after the day's

work to 'the blazing hearth' where 'the busy housewife plies her evening care' and 'the children climb his knees the envied kiss to share'; and again

'How jocund did they drive their team afield:
How bowed the woods beneath their sturdy stroke'.

Goldsmith in the 'Deserted Village' written in 1770, makes the Auburn which he knew in his youth, before

'Times are altered: trade's unfeeling train
Usurp the land, and dispossess the swain',

an ideal spot,

'The loveliest village of the plain
Where health and plenty cheered the labouring swain',

and tells us how the whole village when

'from labour free
Led up their sports beneath the spreading tree,
While many a pastime circled in the shade.'

A scene indeed of primitive innocence and happiness almost too complete to be true.

But at the end of the century the darker side was presented; Cowper wrote that 'Nowhere but in feigned Arcadian scenes' do the poor 'taste happiness or know what pleasure means'; and George Crabbe discarded the pleasing fictions of his predecessors, and depicted what he thought was the real rustic world, a picture of almost hopeless gloom, which must err on the side of pessimism.

The people of his village, Aldborough in Suffolk, are wretched and poverty-stricken; even health is denied them:

'See them beneath the dogstar's raging heat
When the knees tremble, and the temples beat, . . .
See them alternate suns and showers engage
And hoard up aches and anguish for their age.'

Crabbe bids those who dream of rural ease to

'Go, if the peaceful cot your praises share,
Go, look within, and ask if peace be there.
If peace be his, that drooping weary sire,
Or theirs, that offspring round their feeble fire;
Or hers, that matron pale, whose trembling hand
Turns on the wretched hearth the expiring brand.'

He shows us the aged labourer

'When roused by rage and muttering in the morn
He mends the broken hedge with icy thorn,'

asking

'Why do I live, when I desire to be
At once from life, and life's long labour free.'

While the sordid squalor of the workhouse, the brawling and drunkenness in the village alehouse (how different from Goldsmith's), and the general immorality make up a picture as much exaggerated in one direction as that of the idealists is in the other; and we may be sure that the truth lies between the two extremes.

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